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Agata Boetti, Matteo Boetti and Annemarie Sauzeau*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SPERONE WESTWATER INC. and  
SPERONE WESTWATER GALLERY, LLC,

X  
Index No. 08 CV 03263 (RJH)  
(THK)

Plaintiffs

- against -

ARCHIVIO ALIGHIERO BOETTI, AGATA  
BOETTI, MATTEO BOETTI and  
ANNEMARIE SAUZEAU,

DECLARATION OF ANDREA  
BARENGHI IN SUPPORT OF  
DEFENDANTS' MOTION TO  
DISMISS THE COMPLAINT

Defendants.

X

Andrea Barenghi hereby declares, under penalty of perjury, that the following is  
true and correct:

1. I am a member of the law firm of Barenghi & Paton, located at via Gian Giacomo  
Porro 8, Rome, Italy, 00197. I represent Archivio Alighiero Boetti (the "Archivio"), Agata  
Boetti ("Agata"), Matteo Boetti ("Matteo") and Annemarie Sauzeau in the action filed on  
January 29, 2008 in Milan, Italy (hereafter, the "Milan Action"). I submit this declaration in  
support of Defendants' motion to dismiss the Complaint.

2. I hold *Juris Doctor* (J.D.) and *Doctor of Juridical Sciences* (S.J.D.) degrees from  
the University of Rome and was admitted to practice in Rome in 1994 and admitted to practice  
before the Supreme Court of Italy in 2005. I am a professor of private and banking law at

Molise University Law School in Campobasso, Italy, and have taught at numerous other universities since 1997.

3. Co-counsel in the Milan Action is Professor Paolo Auteri, a member of the Studio Legale Auteri, located at 21 Via Visconti di Modrone, Milan, Italy, 20122, and who since 1976 has been a tenured professor of industrial law (intellectual property, trademarks, and antitrust law) at the University of Pavia, Italy. Professor Auteri was admitted to the Milan bar in 1964 and to practice before the Supreme Court of Italy in 1980.

#### THE ARCHIVIO ALIGHIERO BOETTI

4. The Archivio, located in Rome, Italy, is a non-profit association dedicated to the study and verification of the work of the late Italian contemporary artist Alighiero Boetti ("Boetti"). As far as I have seen, the records of the Archivio are for the most part in Italian, with some documents such as correspondence in French and English.

5. Ms. Sauzeau was the first wife of Boetti and is Director of the Executive Committee of the Archivio. Agata and Matteo are the children of Ms. Sauzeau and Alighiero Boetti. Agata is Chair of the Executive Committee of the Archivio and Matteo is a Member of the Executive Committee of the Archivio.

6. Ms. Sauzeau resides in Rome, Italy and Paris, France. Matteo is a resident of Rome. Agata resides in Paris.

7. The Archivio is also engaged in an effort to prepare a *catalogue raisonné* for Boetti, which is a listing of known and verified works by the artist.

### THE MILAN ACTION

8. The dispute in the Milan Action concerns the authenticity of certain works of art, purportedly by Boetti, and the review of those works by the Archivio.

9. The parties to the Milan Action are the Archivio, Ms. Sauzeau, Agata and Matteo, as plaintiffs, and Renato Cardi ("Cardi"), the Galleria Cardi (the "Cardi Gallery"), Sperone Westwater, Inc. and Sperone Westwater Gallery LLC, as defendants.

10. The Milan Action was filed in a specialized tribunal with jurisdiction over intellectual property issues in Milan, Italy, where Cardi resides and the Cardi Gallery is located.

11. The Intellectual Property section of the Milan Tribunal typically hears patent, trademark and copyright disputes. That section is therefore competent to decide copyright claims involving the authenticity of artwork.

12. In brief, the Milan Action seeks (1) a judgment of the authenticity of certain works of art, purportedly by Boetti, which Plaintiffs have stated were previously or are currently owned by Cardi; (2) a judgment that under Italian law the Archivio, Ms. Sauzeau, and Agata and Matteo Boetti may express opinions about the authenticity of those artworks under the Italian constitution; (3) a prohibition against further distribution of a catalog from a 2002 exhibit at the Sperone Westwater Gallery containing an essay by Ms. Sauzeau and a prohibition against the attribution of certain works to Boetti.

13. A true and correct copy of the Writ of Summons in the Milan Action, dated January 8, 2008, (hereafter, the "Writ of Summons") is annexed hereto as Exhibit A.

14. Fourteen documents in support of the Milan Action were listed in the Writ of Summons, on pages 26 and 27, and filed with the Milan tribunal, along with the Writ of Summons and statements of service, on January 29, 2008. These documents were not physically

annexed to and served with the Writ of Summons. True and correct copies of these documents are annexed hereto as Exhibits 1 to 14 to Exhibit A.

15. An English translation of the Writ of Summons was prepared and sworn to before the Milan tribunal by Giulia Eugenia Auteri, an attorney with the Studio Legale Auteri. That translation was served, with the original in Italian, on Sperone Westwater Gallery LLC and Sperone Westwater Inc., and filed with the Milan tribunal on or about January 29, 2008. A true and correct copy of that translation is annexed as Exhibit B.

16. This litigation is an effort by the Archivio to confirm its rights under Italian law to carry about its mission. In or about April 2006, the Sperone Westwater Gallery wrote to the Archivio threatening legal action if certain works were omitted from the *catalogue raisonné* that the Archivio is preparing. Specifically, in a letter dated April 18, 2006, the Sperone Westwater Gallery wrote regarding a work entitled */ Sei Sensi* that "in case the work will not be included in any future catalogue raisonné on Alighiero Boetti as an authentic work, you should consider that the Archivio will need to reimburse the collector \$250,000 USD, which was the purchase price at the time."<sup>1</sup> In a letter dated April 26, 2006, the Sperone Westwater Gallery wrote that "[i]n case [Alighiero e Boetti] or any other reproduced in our . . . exhibition catalogue, "Simmetria Asimmetria" (with "Monochrome Boetti" text by Annemarie Sauzeau Boetti) will not be included in the forthcoming catalogue raisonné, there will be a legal challenge to the legitimacy of your operation."<sup>2</sup> Counsel for Plaintiffs followed up with a letter to me approximately one

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<sup>1</sup> Letter from Sperone Westwater to Archivio Alighiero Boetti, dated April 18, 2006 (annexed hereto as Exhibit 10 to the Writ of Summons).

<sup>2</sup> Letter from Sperone Westwater to Archivio Alighiero Boetti, dated April 16, 2006 (annexed hereto as Exhibit 11 to the Writ of Summons).

year later, dated April 24, 2007, stating that "[w]e have been authorized to investigate... and to hold your clients responsible to the extent permitted by law."<sup>3</sup>

17. Article 21 of the Italian Constitution guarantees a right to free expression. The Milan Action seeks to vindicate this right of the Archivio Boetti, Ms. Sauzeau, and Agata and Matteo Boetti. The Writ of Summons notes this constitutional law issue.<sup>4</sup>

18. The concept of *droit moral* is a doctrine common to many European countries, under which an artist, or, among others, any children of that artist, such as Agata and Matteo, may have – among other rights – the right to prevent that artist's name from being associated with a work that the artist did not create. The Writ of Summons asserts the *droit moral* with respect to the work of Boetti.<sup>5</sup>

19. In total, the Writ of Summons in the Milan Action makes eight requests for judgment: (1) a judgment that four works (*Merei*, *Unozero*, *Salezucchero*, and *AELLEI/GIACCAIERREOEBIOETTII*) included in an exhibit at the Sperone-Westwater Gallery in 2002 cannot be attributed to Boetti; (2) an assessment of whether the remaining works at that 2002 exhibit that were supplied by the Cardi Gallery can be attributed to Boetti; (3) injunctions barring (a) Sperone-Westwater Gallery from further distribution of the catalogue from that 2002 exhibition and (b) Cardi Gallery and Cardi from exhibiting, selling, or displaying works that do not appear to be attributable to Boetti; (4) damages and indemnification of Agata and Matteo Boetti for the exhibition, sale, and reproduction of inauthentic works; (5) a declaration that the publication of Ms. Sauzeau's article in the catalogue for the 2002 exhibit violated her property rights and *droit moral* and enjoining further distribution of that catalogue; (6) damages to Ms.

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<sup>3</sup> Letter from Hugh J. Freund, Patterson Belknap Webb & Tyler to Archivio Alighiero Boetti, dated April 18, 2007 (annexed hereto as Exhibit 13 to the Writ of Summons).

<sup>4</sup> Writ of Summons (English translation) at 23 (annexed hereto as Exhibit B).

<sup>5</sup> Writ of Summons (English translation) at 23 (annexed hereto as Exhibit B).

Sauzeau; (7) a declaration that the Milan plaintiffs were not guilty of various torts alleged by the Sperone-Westwater Gallery, the Cardi Gallery, and Cardi; and (8) for costs and attorney's fees.

20. The fact witnesses that the Archivio is likely to call in this matter are residents of Italy. I have been informed by my clients that many of those potential witnesses do not speak English well.

#### **RENATO CARDI AND THE GALLERIA CARDI**

21. One premise of the Milan action is that all or the majority of the works at issue were apparently supplied to the Sperone Westwater Gallery for the 2002 exhibition by the Cardi Gallery, which is owned by Mr. Cardi. In addition, Mr. Cardi and the Cardi Gallery apparently supplied the work entitled *I Sei Sensi*, which work is also at issue in this dispute, to the Sperone Westwater Gallery.

22. The works of art at issue in the Milan Action, purportedly by Boetti, are: *Unozero*, *Salezuccheri*, *Aerei*, *Simmetria Asimmetria*, *AELLEIGIACCAIERREOEBIOETITI*, *Quando Le Parole Sono Stanche*, *Famedivento*, *Dimenticare Il Tempo Perduto*, *Utile Dilettevole*, *Allighiero e Boetti*, and *I Sei Sensi*.<sup>6</sup> I have been informed by my clients that such works were owned at the relevant time by Cardi.

#### **STATUS OF THE MILAN ACTION**

23. The Milan Action was filed on or about January 29, 2008.

24. The defendants in the Milan Action are required to appear, by filing a counterclaim or brief, 20 days before a hearing scheduled for October 28, 2008.<sup>7</sup> Italian law requires a minimum of 150 days' notice of a hearing in cases involving service in the United States (here, to the Sperone-Westwater Gallery).

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<sup>6</sup> Writ of Summons (English translation) at 8-10 (annexed hereto as Exhibit B).

<sup>7</sup> Writ of Summons (English translation) at 24 (annexed hereto as Exhibit B).

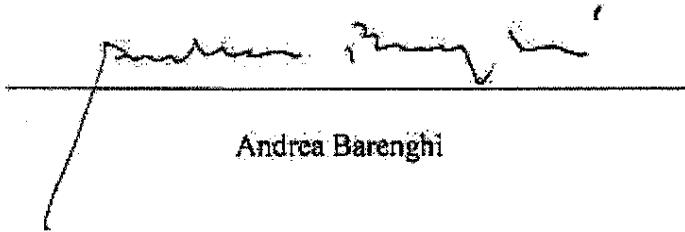
25. Under Italian civil procedure, attorneys for the parties are not generally empowered to demand pretrial discovery of documents or pretrial depositions from an adversary, unless there is some compelling need to do so, such as a witness who is very ill or old, or to allow technical assessments of evidence that will change over time. Instead, discovery of evidence generally takes place pursuant to an express court order and that evidence is produced to the court. Witnesses are ordered to appear by the court and interrogated directly by the judge. The Milan tribunal may authorize testimony that it deems relevant, upon a request that specifies the witness and the information sought. The Milan tribunal may authorize testimony outside of Milan via a local court.

26. Under Italian law, to the best of my knowledge, a witness in Italy can only be compelled to give evidence in a foreign lawsuit in compliance with the Hague Convention on the Taking of Evidence Abroad in Civil and Commercial Matters or through an order (or the equivalent) from the foreign court in which that lawsuit is pending, and a decree of the Italian Court of Appeals with jurisdiction over the place where the deposition is to take place. See Article 69(1) of the Italian conflict of laws statute, Law no. 218 of May 31, 1995.

Declaration pursuant to 28 U.S.C. §1746.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 15, 2008.

  
Andrea Barenghi

**TABLE OF EXHIBITS TO ANDREA BARENGHI EXHIBIT**

**Exhibit A      Writ of Summons in Milan Action**

**Attachments to Exhibit A: Documents Filed with Milan Tribunal**

- Exhibit 1      Sperone Westwater web pages on Boetti and the Exhibition
- Exhibit 2      Catalogue for the Exhibition
- Exhibit 3      June 8, 2004 Letter from Archivio to Giorgio Bassi Regarding *Unozero*
- Exhibit 4      Certificate for *Salezucchero*
- Exhibit 5      March 8, 2006 Letter from Archivio to Jonathan Laib, Christie's Regarding *Salezucchero*
- Exhibit 6      Letter from Christie's to Archivio Regarding *Salezucchero*
- Exhibit 7      Christie's web page on *Salezucchero*
- Exhibit 8      April 23, 2001 Letter from Archivio to Christie's Regarding *AELLEIGIACCAIEERREROBIOETITII*
- Exhibit 9      March 31, 2006 Letter from Archivio to Angela Westwater Regarding *I Sei Sensi*
- Exhibit 10     April 18, 2006 Letter from Sperone Westwater Gallery to Archivio
- Exhibit 11     April 24, 2006 Letter from Sperone Westwater Gallery to Archivio
- Exhibit 12     August 31, 2006 Letter from Felice d'Alfonso del Sordo to Archivio
- Exhibit 13     April 24, 2007 Letter from Hugh J. Freund to Archivio
- Exhibit 14     July 31, 2006 Letter from Ermanno Tommasini to Archivio

**Exhibit B      English Translation of Writ of Summons in Italian Action**

# EXHIBIT A

1159069.1  
1159069.1

**Avv. Prof. PAOLO AUTERI**  
 Via Visconti di Modrone n. 21  
 20122 MILANO - Tel. 780.980

## TRIBUNALE DI MILANO

### Sezione specializzata in materia di proprietà industriale e intellettuale

#### ATTO DI CITAZIONE

Nell'interesse dell'Archivio Alighiero Boetti, con sede in Roma, in persona del suo legale rappresentante *pro tempore*, nonché della sig.ra Agata Boetti, residente all'estero a Parigi (Francia), del sig. Matteo Boetti, residente a Roma, e altresì della sig.ra Anne Marie Sauzeau, residente a Roma, tutti rappresentati e difesi dall'avv. prof. Paolo Auteri e dall'avv. prof. Andrea Barenghi del Foro di Roma, ed elettivamente domiciliati presso il primo in Milano-20122, via Visconti di Modrone 21, giusta deleghe in calce all'originale del presente atto.

Contro il sig. Renato Cardi, domiciliato in Milano, la Galleria Cardi S.r.l., in persona del suo legale rappresentante *pro tempore*, con sede in Milano, nonché la Galleria Sperone-Westwater di Nuova York (N.Y., U.S.A.), in persona del suo legale rappresentante *pro tempore*.

#### FATTO

##### I) Premessa.

Per una migliore intelligenza dei fatti che si dovranno illustrare nel presente atto conviene subito premettere talune circostanze riguardanti i soggetti che partecipano al giudizio ovvero alle vicende da cui lo stesso trae origine e le attività che gli stessi svolgono.

(a) Gli attori Matteo Boetti e Agata Boetti sono figli e coeredi (unitamente alla vedova Caterina Raganelli e al di lei figlio minore Giordano Boetti) del Maestro Alighiero Boetti (1940-1994), uno dei più importanti Artisti del dopoguerra italiano, assurto dopo la scomparsa prematura nel 1994

a 'icona' dell'arte italiana contemporanea. La signora Anne Marie Sauzeau, prima moglie del Maestro e sua principale collaboratrice nel tempo del loro matrimonio, è una delle più autorevoli fonti critiche dello studio dell'opera e della vita dell'Artista.

(b) L'Archivio Alighiero Boetti è una associazione senza scopo di lucro fondata originariamente dagli eredi dell'Artista scomparso (la vedova Caterina Raganelli, i figli di primo letto, Matteo e Agata e la madre di questi ultimi Anne Marie Sauzeau); ora, in seguito al recesso esercitato dalla vedova, l'Archivio si compone dei soli Matteo Boetti, Agata Boetti e Anne Marie Sauzeau, con la collaborazione di studiosi e critici nonché degli assistenti dell'Artista che partecipano allo studio per la verifica dell'opera.

Tra i principali scopi dell'Archivio sono la redazione del catalogo ragionato dell'Artista scomparso e la tutela del nome e dell'opera dello stesso. Il lavoro redazionale finalizzato alla pubblicazione del catalogo avviene attraverso (i) le ricerche storiche e di archivio; (ii) attraverso la risistemazione del materiale preesistente nell'Archivio Boetti; (iii) attraverso il monitoraggio delle pubblicazioni sul Maestro scomparso; (iv) attraverso l'esame delle opere inviate da terzi all'Archivio per ottenerne il parere di attribuibilità e l'inclusione, appunto, nell'Archivio dell'Artista e nel Catalogo ragionato.

Nel corso della sua esistenza si sono succeduti diversi gruppi dirigenti che hanno diversamente interpretato e dato attuazione alla funzione statutaria dell'Archivio. In particolare tra il 1998 e il 2001 nel periodo in cui era diretto dal notissimo critico Germano Celant, l'Archivio sospese quasi del tutto l'attività di verifica e di espressione di pareri in ordine alla attribuibilità all'Artista scomparso delle opere sottopostegli, per concentrare i propri sforzi

esclusivamente sul riordino dei materiali preesistenti al fine della predisposizione del catalogo ragionato. Solo successivamente l'Archivio assunse nuovamente tra le sue pratiche ordinarie la verifica e il rilascio di pareri in ordine alla possibilità di attribuzione di tutte le opere, pratica che del resto è per l'Archivio funzionale alla predisposizione del Catalogo ragionato che è in corso di redazione e allo svolgimento di altre sue funzioni statutarie.

(c) La Galleria Cardi di Renato Cardi (piazza S. Erasmo 3 e corso Porta Nuova 38, [www.galleriacardi.com](http://www.galleriacardi.com)) è una delle più note gallerie d'arte italiane. Per anni è stata collegata funzionalmente alle attività americane del sig. Gian Enzo Sperone, attraverso la Galleria fondata dallo stesso a New York e denominata Sperone-Westwater.

(d) Gian Enzo Sperone è un celebre e storico gallerista torinese, per lunghi anni promotore, mercante e stretto amico personale di Alighiero Boetti. È inoltre titolare di una qualificata e notissima collezione d'arte contemporanea nella quale figurano alcune splendide opere di Boetti. Nel corso del tempo ha fondato a N.Y. una galleria d'arte, ora denominata Sperone-Westwater, che è uno dei punti di riferimento più importanti nel mercato globale dell'arte.

## II) La mostra della Galleria Sperone-Westwater nel 2002.

Tra il 10 gennaio e il 2 marzo 2002 la Galleria d'Arte Sperone-Westwater di New York (N.Y., Stati Uniti d'America, 415 West 13th st.) organizzava una esposizione antologica di opere che venivano ascritte all'artista Alighiero Boetti (la mostra risulta anche dalle pagine web della galleria: [www.speronewestwater.com](http://www.speronewestwater.com): ns. doc. 1).

Veniva pubblicato a cura della stessa Galleria Sperone-Westwater, che espressamente se ne riservava i diritti, un catalogo della mostra, stampato a Roma, presso la Tipografia Olivieri, nel mese di Dicembre 2001 (Alighiero e Boetti, Simmetria Asimmetria, Sperone-Westwater, N.Y.-Roma, 2001: ns. doc. 2).

Nella mostra confluivano alcuni lavori provenienti dalla collezione personale del sig. Gian Enzo Sperone e talune opere fornite dalla Galleria milanese che fa capo al sig. Renato Cardi.

Le opere fornite dal sig. Cardi, in particolare, risultano le seguenti (di cui si riporta qui sotto la descrizione come appare nel menzionato catalogo):

*Simmetria Asimmetria*, datata 1979, eseguita secondo la tecnica boettiana della penna a sfera su carta e montata su tela, due pannelli di complessivi 102 per 144 cm;

*AELLEIGIACCAIERREOEBIOETITII*, datata 1983, eseguita secondo la tecnica boettiana della penna a sfera su carta e montata su tela, un pannello di 71,5 per 101,5 cm;

*Quando le parole sono stanche*, datata 1982, eseguita secondo la tecnica boettiana della penna a sfera su carta e montata su tela, cinque pannelli di complessivi 101,5 per 357,5 cm;

*Unozero*, datata al 1980, eseguita secondo la tecnica boettiana della penna a sfera su carta e montata su tela, un pannello di 71,5 per 101,5 cm;

*Salezuccherò*, datata 1988, eseguita secondo la tecnica boettiana della penna a sfera su carta e montata su tela, un pannello di 71,5 per 101,5 cm;

*Famedivento*, datata 1980, eseguita secondo la tecnica boettiana della penna a sfera su carta e montata su tela, un pannello di complessivi 71,5 per 101,5 cm;

*Dimenticare il tempo perduto*, datata 1982, eseguita secondo la tecnica boettiana della penna a sfera su carta e montata su tela, quattro pannelli di complessivi 101,5 per 286 cm;

*Aerei*, datata 1983, eseguita secondo la tecnica boettiana della penna a sfera su carta e montata su tela, tre pannelli di complessivi 50 per 104 cm;

*Utile Dilettevole*, datata 1983, eseguita secondo la tecnica boettiana della penna a sfera su carta e montata su tela, due pannelli di complessivi 101,5 per 143 cm;

*Alighiero e Boetti*, datata 1982, eseguita secondo la tecnica boettiana della penna a sfera su carta e montata su tela, due [*recte*: tre] pannelli di complessivi 160 per 467 cm.

L'intera partita delle opere appena elencate si presenterebbe, secondo le informazioni che è stato possibile collazionare, corredata da certificati dell'Artista (che gli attori non hanno potuto esaminare negli originali), circostanza questa assai infrequente nelle opere di Boetti e in particolare per le opere appartenenti alla tipologia in discorso.

Le altre quattro opere riportate sul catalogo, viceversa, provenivano dalla collezione personale del sig. Gian Enzo Sperone.

### **III) Il ritiro dalla mostra dell'opera "Aerei".**

La casuale percezione – successivamente alla inaugurazione della mostra – della possibile falsità dell'opera denominata "*Aerei*", datata 1983, eseguita secondo la tecnica boettiana della penna a sfera su carta e montata su

tela, tre pannelli di complessivi 50 per 104 cm, di cui al capitolo che precede, da parte di un collaboratore dell'Archivio, il sig. Andrea Marescalchi di Firenze, già assistente del Maestro e consulente del Comitato di perizia presso l'Archivio Boetti, determinava una presa di contatto informale da parte dell'Archivio Boetti con la Galleria Sperone-Westwater per segnalare la circostanza.

La Galleria Sperone-Westwater inviava prontamente l'opera in Italia all'Archivio perché la esaminasse, e, all'esito dell'esame, il Comitato di perizia dell'Archivio Alighiero Boetti la giudicava "non attribuibile".

A seguito di tale giudizio l'opera veniva ritirata dall'esibizione da parte della Galleria Sperone-Westwater e della Galleria Cardi, che l'aveva affidata per la vendita alla prima galleria (come si è accennato *supra, sub II*).

Successivamente, mentre era in corso la mostra, in data 16 febbraio 2002 e in data 28 febbraio 2002 pervenivano in Archivio, inviate dal sig. Renato Cardi di Milano, schede descrittive di altre tre opere a biro intitolate "*Aerei*", di tipologia simile a quella ritirata dalla mostra in seguito alle circostanze sopra descritte, schede che tuttavia non venivano sottoposte all'esame del Comitato di perizia (Comitato che, come si è già illustrato sopra, all'epoca in discorso si riuniva molto sporadicamente e solo su esplicita sollecitazione del richiedente in casi di documentata necessità).

**IV) La successiva richiesta della Galleria Sperone-Westwater di visionare l'opera 'I sei sensi' direttamente a New York presso l'abitazione dell'acquirente.**

Successivamente alla chiusura della mostra, perveniva all'Archivio Boetti dalle Gallerie Sperone-Westwater e Cardi la richiesta di prendere in

visione ed esaminare al fine della sua attribuzione ed inserimento nel catalogo l'opera '*I sei sensi*', datata al 1980, eseguita secondo la tecnica consueta che si è sopra illustrata, e consistente in n. 9 pannelli di colore blu, per complessivi 110 per 630 cm.

Tale richiesta perveniva prima il 19 dicembre 2003 e poi il 2 febbraio 2004 dal sig. Renato Cardi anche nell'interesse della Galleria Sperone-Westwater, affermando la sussistenza di una precedente richiesta che sarebbe stata inviata da tale "Victoria Moreno, Madrid" senza altra specificazione, richiesta di cui accludeva copia (senza alcuna documentazione della spedizione) inducendo altresì a credere che l'Archivio potesse averla smarrita o lasciata in evasa; circostanza che fin d'ora si contesta qualora dovesse essere reiterata da controparte.

Si deve osservare che l'opera di cui si chiedeva (e poi si otteneva) l'attribuzione non era quella dello stesso colore blu e pubblicata con il medesimo titolo (*"i sei sensi"*) nel catalogo della Mostra, che in effetti è appartenuta alla collezione privata del sig. Gian Enzo Sperone.

All'epoca, ad ogni modo, l'Archivio, derogando alla propria costante prassi secondo cui l'esame delle opere sottoposte alla verifica deve avvenire presso la sede e comunque da parte del Comitato di perizia costituito in seno all'Archivio, acconsentiva a inviare un componente del predetto Comitato (il sig. Andrea Marescalchi) a N.Y. per prendere l'opera in esame, ed all'esito dell'esame così effettuato provvedeva effettivamente a emettere un certificato di 'attribuibilità' dell'opera (n. 3781 del 19 marzo 2004).

V) Le vicende precedenti e successive alla mostra americana in merito ad alcune delle opere esposte: la successiva scheda di esame delle opere

'Unozero', 'Salezucchero' e la precedente scheda di esame di  
'AELLEIGIACCAIERREOEBOETITI'. Esito delle stesse.

Due delle opere che si sono citate *supra [sub II]*, successivamente alla mostra sono state di nuovo messe in circolazione e in tali occasioni sottoposte all'Archivio perché le esaminasse e esprimesse parere sulla loro autenticità. Si tratta delle seguenti opere:

*'Unozero'*, datata al 1980, eseguita secondo la tecnica boettiana della penna a sfera su carta e montata su tela, un pannello di 71,5 per 101,5 cm, evidentemente rimasta invenduta alla mostra del 2002 (lettera di conferma della "non attribuibilità" in data 29 maggio 2004: ns. doc. 3).

*'Salezucchero'*, datata 1988, eseguita secondo la tecnica boettiana della penna a sfera su carta e montata su tela, un pannello di 71,5 per 101,5 cm, venduta negli U.S.A. e poi successivamente rimessa in commercio tramite una casa d'aste internazionale che l'ha sottoposta all'Archivio (certificato di "non attribuibilità" del 6 marzo 2006: ns. doc. 4; v. anche docc. da 5 a 7).

Un'altra delle opere commercializzate dal sig. Cardi negli Stati Uniti attraverso la Galleria Sperone-Westwater nel 2002, e precisamente *'AELLEIGIACCAIERREOEBOETITI'*, era stata già oggetto di esame preliminare su immagini fotografiche da parte dell'Archivio nel 2001, in seguito ad una scheda proveniente da Christie's di Londra in data 2 aprile 2001: l'esito era stato sostanzialmente negativo, consistendo in una sospensione del giudizio in attesa di poter esaminare l'opera dal vivo (che tuttavia non venne poi inviata all'Archivio) (ns. doc. 8).

All'esito della presa in visione e dell'esame di queste tre opere (come si è detto, prima e dopo la mostra newyorchese), il risultato è stato il seguente:

*Uno zero* è risultato non attribuibile (seduta del 29 maggio 2004 ns. doc. 3);

*Salezucchero* è risultato non attribuibile (seduta del 6 marzo 2006 ns. doc. 4);

*AELLEIGIACCAIERREOEBOETITII*: il giudizio è rimasto sospeso per carenza di sufficienti elementi per l'espressione del parere (seduta del 18 aprile 2001 ns. doc. 8).

VI) La sorte delle altre opere di provenienza Cardi presenti nel catalogo della mostra Sperone-Westwater, diverse da Uno zero, Salezucchero e Aerei: Simmetria Asimmetria, Quando le parole sono stanche, Famedivento, Dimenticare il tempo perduto, Utile Dilettevole, Alighiero e Boetti.

*Quando le parole sono stanche*, collezione privata non individuata in New York (N.Y., Stati Uniti d'America)

*Famedivento*, collezione privata non individuata in Portland (Portland, Oregon, Stati Uniti d'America)

*Dimenticare il tempo perduto*, collezione del sig. Zilkha di Houston (Houston, Texas, Stati Uniti d'America)

*Utile Dilettevole*, collezione del sig. Zilkha di Houston (Houston, Texas, Stati Uniti d'America)

*Alighiero e Boetti*, collezione The Art Institute di Chicago (Chicago, Illinois, Stati Uniti d'America).

Si deve sottolineare che tali opere non sono mai state sottoposte alla visione, all'esame e alla verifica dell'Archivio, né prima dell'organizzazione della mostra del 2002, né successivamente ad essa, ed esse per un verso sono state poste in vendita dal sig. Renato Cardi e dalla Galleria Sperone-Westwater

senza aver avuto previamente l'accortezza di sentire il parere dell'Archivio Boetti (cosa che, dopo la scomparsa dell'Artista, tutte le istituzioni del mercato dell'arte fanno regolarmente prima di utilizzare i propri canali istituzionali per commercializzare le opere), per altro verso sfuggono, come subito si dirà, tuttora alla verifica necessaria per poterle considerare attribuibili ai fini della loro inclusione nell'editando Catalogo ragionato dell'opera di Alighiero Boetti.

**VII) La richiesta dell'Archivio Boetti di esaminare le opere non visionate della partita inviata dal sig. Cardi alla Galleria Sperone-Westwater e di riesame dell'opera 'I sei sensi' già visionata, in esito alla complessiva riconsiderazione delle circostanze e alla elaborazione di nuovi apparati critici.**

Come si è visto sopra [sub V]), due delle opere poste in commercio dal sig. Cardi mediante la Galleria Sperone-Westwater sono state considerate non attribuibili da parte del Comitato di perizia dell'Archivio Boetti in data 6 marzo 2006 e 29 maggio 2004. Si tratta di 'Unozero' e di 'Salezucchero'.

Come si è anche visto [sub V]), un'altra delle opere inviate dalla Galleria Cardi alla Galleria newyorchese per la mostra in discorso, sempre appartenente alla tipologia delle opere a biro, e denominata 'AELLEIGIACCAIERREOEBIOETITII', era stata oggetto di richiesta di verifica da parte della casa d'aste Christie's e tuttavia il giudizio era stato sospeso dal Comitato di perizia per l'insufficienza degli elementi posti a base della divisata paternità artistica.

Considerando anche l'opera "Aerei" che, come si è visto, in seguito ad una segnalazione proveniente dall'Archivio era stata ritirata dalla Mostra (e forse sostituita da altra opera appartenente alla medesima tipologia),

complessivamente si tratta di 4 opere che già sono risultate non attribuibili nello stock di opere messo in vendita da Sperone-Westwater e di proprietà della Galleria Cardi (o del sig. Renato Cardi), uno *stock* che in tutto è formato da almeno 10 pezzi.

Così stando le cose, appare più che comprensibile che il gruppo dirigente dell'Archivio si sia ripromesso di rivedere nel suo complesso il materiale posto in commercio dalla Galleria Cardi in occasione ed attraverso l'evento organizzato dalla Galleria Sperone-Westwater, compresa l'opera intitolata '*I sei sensi*' già munita (prima però che emergessero tutte le circostanze di cui al presente atto, e quando lo stato della conoscenze storico-critiche era ben lungi dall'attuale stadio di maturazione) di un certificato di attribuibilità nelle circostanze che si sono sopra individuate [*sub IV*]).

Per tali motivi in data 31 marzo 2006 (ns. doc. 9) il sig. Matteo Boetti indirizzava alla Galleria Sperone-Westwater una prima missiva nella quale esprimeva la necessità, nell'ambito delle ricerche rivolte alla redazione del catalogo ragionato di A. Boetti, di procedere al riesame dell'opera "*i sei sensi*", diversa da quella pubblicata nel catalogo della mostra, e della quale lo stesso Archivio su richiesta della Galleria aveva certificato l'autenticità (con certificato n. 3781 del 19.3.2004). La richiesta dell'Archivio era motivata "*in light of the deeper critical and historical understanding of the works of Alighiero Boetti which is now available*". La Galleria Sperone Westwater rispondeva con lettera del 18 aprile 2006 (doc. 10), acconsentendo al riesame dell'opera, purché a spese dell'Archivio, ma avvertiva che "*in case the work will not be included in any future catalogue raisonné on Alighiero Boetti as an*

*authentic work, you should consider the Archivio will need to reimburse the collector 250.000 USD, which was the purchase price at the time”.*

Analogo atteggiamento la Galleria Sperone-Westwater assumeva di fronte alla richiesta dell'Archivio di esaminare per la prima volta un'opera venduta dalla galleria allo Art Institute of Chicago che appunto che l'Archivio non aveva potuto esaminare in precedenza (lettera della Galleria del 26.4.2006: doc. 11). La tesi della Galleria è stata questa volta che l'Archivio avrebbe creato un affidamento nell'autenticità di quest'opera avendo messo in dubbio solo l'autenticità dell'opera “*Aerei*” nonostante (secondo la prospettazione avversaria) il catalogo gli fosse stato inviato prontamente e nonostante (sempre secondo la prospettazione avversaria) la signora Anne Marie Sauzeau avesse visto l'opera “*on the occasion of the Boetti exhibition at the Arts Club of Chicago and our gallery show of “Biro” works*”. E concludeva affermando che “*In case this work or any other reproduced in our 2001 ALIGHIERO BOETTI exhibition catalogue, “Simmetria Asimmetria” (with “Monochrome Boetti” text by Annemarie Sauzeau Boetti) will not be included in the forthcoming catalogue raisonné, there will be a legal challenge to the legitimacy of your operation*”.

Infine, mediante diverse lettere inviate per suo conto dall'avv. d'Alfonso del Sordo e dall'avv. Hugh Freund di New York (particolarmente le lettere del 31 agosto 2006 e del 24 aprile 2007: ns. docc. 12 e 13), Sperone-Westwater non solo insisteva nella pretesa di veder riconosciuta l'autenticità di tutte le opere oggetto della esposizione del 2002 anche nel Catalogo ragionato in corso di preparazione, ma esplicitamente riservava l'esperimento

di azioni legali volte al risarcimento dei danni, con lo scopo evidente di ottenere l'acquiescenza dell'Archivio alle fantasiose tesi illustrate.

Posizione in parte simile assumevano anche il signor Cardi e la omonima Galleria per mezzo del loro legale contestando anche "*la vostra pretesa di essere gli unici legittimati a "autenticare" le opere*" (doc. 14).

### **VIII) Conclusione dell'esposizione dei fatti.**

In definitiva, emergono le seguenti circostanze:

- 10 opere che si affermano provenienti da Alighiero Boetti e dallo stesso certificate come proprie (con certificazioni di cui appare dubbia la autenticità) vengono inviate dal sig. Renato Cardi a New York e intorno alle stesse opere viene confezionata una mostra nelle quali le stesse sono intervallate da opere provenienti dalla qualificata collezione privata del sig. Gian Enzo Sperone;

- di tale mostra viene pubblicato un catalogo, edito a New York da Sperone-Westwater e stampato per suo conto a Roma da Tipografia Olivieri, nel quale vengono attribuite ad Alighiero Boetti tutte le opere indicate in narrativa;

- a corredo del catalogo viene pubblicato un pezzo critico, tradotto per l'occasione a cura dell'editore, di Anne Marie Sauzeau, prima moglie dell'Artista, senza ottenere da quest'ultima una valida autorizzazione e senza sottoporle previamente i termini reali della esposizione e il contenuto specifico delle opere esposte;

- una delle opere, '*AELLEIGIACCAIERREOEBIOETITII*' - era già stata oggetto, su richiesta della casa d'aste Christie's, di esame in passato ed era risultata dubbia, tanto da esserne sospeso il parere di attribuibilità;

- un'altra delle opere esposte – ‘*Aerei*’ – è risultata sospetta ad un semplice sguardo sul catalogo ed in esito all'esame materiale della stessa è stata ritirata dalla mostra (e forse rimpiazzata da altra simile non verificata dall'Archivio);

- altre due delle opere esposte – ‘*Unozero*’ e ‘*Salezucchero*’ – sono state successivamente sottoposte al giudizio dell'Archivio da parte di terzi (il 6 marzo 2006 per ‘*Unozero*’ e il 29 maggio 2004 per ‘*Salezucchero*’) risultando a giudizio dell'Archivio non attribuibili;

- l'unica opera (‘*i sei sensi*’) positivamente considerata dall'Archivio in esito ad una verifica e oggetto di un certificato di parere positivo è stata esaminata su pressante richiesta della Galleria Sperone-Westwater a N.Y. da un esperto dell'Archivio con modalità non in linea con la prassi rigorosa dell'Archivio;

- di fronte alle recenti richieste dell'Archivio Boetti di poter prendere in esame le opere MAI ESAMINATE ovvero di riesaminare l'opera ‘*i sei sensi*’ già visionata, la reazione della Galleria Sperone-Westwater è stata di totale assenza di collaborazione ed immediatamente rivolta ad attribuire all'Archivio Boetti responsabilità di carattere giuridico basate su tesi prive di qualsivoglia consistenza logica e giuridica, che però si sono tradotte nella concreta minaccia, anche attraverso corrispondenza tecnica di consulenti legali, di azioni in giudizio da parte dei terzi acquirenti e della stessa Galleria Sperone-Westwater;

- parimenti sia la Galleria Cardi che il sig. Renato Cardi hanno diffidato l'Archivio Boetti e preannunciato nei confronti dello stesso azioni

legali motivandole con la pretesa e indimostrata lesione di diritti della personalità della Galleria e del signor Cardi.

### DIRITTO

1. Come si è visto, tra il 10 gennaio e il 2 marzo 2002 la Galleria d'Arte Sperone-Westwater di New York organizzava a New York una mostra antologica di opere di Alighiero Boetti e pubblicava il relativo catalogo nel quale riproduceva quelle che essa giudicava le più significative delle opere oggetto della mostra. La parte principale (10) delle opere esposte provenivano dalla Galleria Cardi che le aveva affidate per la vendita alla Galleria Sperone-Westwater, l'altra parte (4) appartenevano al signor Sperone o alla Galleria Sperone-Westwater. Come si è visto, tre di tali opere provenienti dalla Galleria Cardi, e precisamente le opere intitolate "Aerei", "Uno zero" e "Sale zucchero" sono risultate "non attribuibili", una quarta, intitolata "AELLEIGIACCAIERREOEBOETITIP", era stata giudicata in precedenza di dubbia autenticità (v. *supra* § V), mentre non è stato possibile verificare l'autenticità di altre opere provenienti dalla Galleria Cardi e vendute a terzi dalla Galleria Sperone-Westwater nell'ambito della mostra di New York.

In questa situazione non è dubbio che Agata e Matteo Boetti abbiano interesse a che venga accertato non solo che le quattro opere di cui si è detto esposte nell'ambito della mostra di New York come opere di Boetti non sono attribuibili all'Artista, ma anche che la attribuzione di tali opere ad Alighiero Boetti nell'ambito di tale mostra, nel catalogo ed eventualmente nell'ambito della successiva attività commerciale è avvenuta in violazione dei diritti morali e patrimoniali ad essi spettanti in quanto figli ed eredi di Alighiero

Boetti e che tale illecito è imputabile in concorso fra loro sia alla Galleria Cardi sia alla Galleria Sperone-Westwater.

L'illiceità di tale attività non è certamente venuta meno con la conclusione della mostra e nemmeno col ritiro dell'opera "Aerei" dalla stessa mostra, sia perché, come risulta dal sito internet della Galleria Sperone-Westwater, il catalogo della mostra ("Simmetria Asimmetria") è tuttora in commercio ed è offerta in vendita anche *on-line* (doc. 2), sia perché le opere "Aerei", "Uno zero" e "Salezucchero" sono rimaste in possesso della Galleria Cardi che le potrebbe mettere in vendita nell'ambito della sua attività commerciale (come ha già fatto per le ultime due opere, non si sa con quale esito). È quindi interesse di Agata e Matteo Boetti di ottenere anche una sentenza che inibisca ai convenuti la continuazione dell'attività illecita.

L'interesse all'accertamento della falsità di dette opere è anche dell'Archivio Boetti (se non altro a sostegno della domanda di Agata e Matteo Boetti), che, come si è visto, ha come suo scopo anche la tutela del nome e dell'opera di Alighiero Boetti.

L'illecito commesso dai convenuti ha arrecato ad Agata e Matteo Boetti rilevanti danni morali e patrimoniali che i convenuti sono tenuti a risarcire in via fra loro solidale, avendo essi agito quanto meno con colpa (grave). I convenuti, infatti, hanno esposto e messo in vendita come opere di Alighiero Boetti opere che non lo sono senza verificarne con la dovuta diligenza professionale l'autenticità. Eppure, sia il signor Cardi che il signor Sperone ben conoscono l'opera di Alighiero Boetti, col quale hanno intrattenuto rapporti personali e professionali, acquisendo una certa esperienza nella trattazione delle opere di Alighiero Boetti, avendo organizzato varie

mostre di opere di questo artista, che li avrebbe dovuti indurre a sottoporre ad attento scrutinio le opere che poi si sono rivelate false, ricorrendo al giudizio di esperti e in particolare degli esperti dell'Archivio. Ed è significativo che solo nel corso della mostra di New York e dopo la sua chiusura Cardi abbia sottoposto all'esame dell'Archivio opere a biro attribuite a Boetti, alcune delle quali già esposte nell'ambito della mostra, con ciò riconoscendo sia la necessità di una verifica della loro autenticità sia la competenza e l'autorevolezza dell'Archivio.

Del resto, una volta venuta a conoscenza della non autenticità di alcune delle opere esposte al pubblico nell'ambito della mostra di New York e riprodotte nel relativo catalogo, Sperone-Westwater avrebbe dovuto immediatamente ritirare dal commercio il catalogo e, non avendolo fatto, ha agito con piena consapevolezza della violazione dei diritti degli attori.

2. Come si è visto, la Galleria Sperone-Westwater ha riprodotto nel catalogo *"Simmetria Asimmetria"* uno scritto critico (col titolo *"Boetti monocromo"*) di Anne Marie Sauzeau, prima moglie di Alighiero Boetti e una delle più autorevoli esperte dell'opera dell'Artista. La signora Sauzeau era stata informata telefonicamente dal sig. David Lieber, direttore della Galleria Sperone-Westwater di New York e da parte dello stesso sig. Sperone, dell'intenzione di pubblicare il suo scritto e aveva dato un assenso solo di massima senza però conoscere quali opere 'a biro' sarebbero state esposte nell'ambito della mostra e riprodotte nel catalogo, oltre a quelle preannunciate e facenti parte della prestigiosa collezione privata del sig. Sperone. Da qui il suo disappunto quando si rese conto che il suo scritto, un saggio sulla tipologia delle opere 'a biro', pur non riferendosi alle opere riprodotte nel catalogo,

finiva per avvalorare l'autenticità di tali opere ed anche di quelle non attribuibili a Boetti.

La riproduzione dello scritto della signora Sauzeau nel catalogo costituisce violazione dei diritti morali e patrimoniali d'autore ad essa spettanti sul suo scritto: dei diritti di utilizzazione economica, perché, non essendo stata informata sulle condizioni e sui limiti dell'utilizzazione del suo scritto, il suo assenso alla pubblicazione di questo non si è perfezionato; e comunque del diritto morale, perché la riproduzione in un catalogo contenente opere false costituisce "*atto a danno dell'opera*" che è di pregiudizio alla sua reputazione ai sensi degli artt. 20 l. aut. e 6-bis della Convenzione internazionale di Berna per la protezione delle opere letterarie ed artistiche. Infatti, il significato di avallo alla autenticità delle opere riprodotte nel catalogo, che la pubblicazione del suo scritto nel catalogo assume, pregiudica la sua reputazione di esperta dell'opera di Boetti impegnata nella lotta contro i falsi. Anche in questo caso la violazione dei diritti della signora Sauzeau è avvenuta da parte della Galleria Sperone Westwater dapprima con colpa grave, e poi addirittura con dolo dal momento in cui questa si è resa conto della non autenticità di alcune delle opere riprodotte nel catalogo e tuttavia non ha ritirato dal commercio il catalogo. Il catalogo è ancora oggi presentato ed offerto in vendita nel sito della galleria ([www.speronewestwater.com](http://www.speronewestwater.com)) con l'indicazione "*text by Anne Marie Sauzeau*").

3. Come si è visto, delle opere affidate dalla Galleria Cardi alla Galleria Sperone-Westwater per la vendita ed esposte nell'ambito della mostra tenuta a New York dal 10 gennaio al 2 marzo 2002 ben 3 (su 10) sono risultate non attribuibili ad Alighiero Boetti ed una quarta è apparsa di dubbia

autenticità. Questa circostanza suscita il forte sospetto che anche altre opere facenti parte della partita proveniente dalla Galleria Cardi non possano essere attribuite con sicurezza all'Artista. Ci si poteva allora ragionevolmente aspettare che se non la Galleria Cardi quanto meno la Galleria Sperone-Westwater, che si era esposta con l'organizzazione di una mostra e la pubblicazione del relativo catalogo, verificassero con particolare attenzione l'autenticità delle altre opere oggetto della mostra e chiedessero o quanto meno consentissero all'Archivio di esaminarle per esprimere un parere, soprassedendo provvisoriamente alla vendita di tali opere. Del resto, come si è visto, Cardi e Sperone Westwater avevano prontamente ritirato dalla mostra e dal commercio l'opera "*Aerei*" non appena l'Archivio aveva comunicato di non ritenerla autentica. E lo stesso Cardi, mentre la mostra era ancora in corso, aveva fatto pervenire all'Archivio schede descrittive riguardanti altre tre opere recanti lo stesso titolo "*Aerei*". E successivamente sia la Galleria Sperone-Westwater sia il sig. Cardi chiedevano all'Archivio di esaminare e di esprimere un parere sull'opera "*I sei sensi*". In tal modo tanto Cardi che Sperone-Westwater mostravano di non essere sicuri dell'autenticità di tutte le opere in loro possesso e di considerare l'Archivio come l'istanza più qualificata ad esprimere un giudizio di autenticità.

Appare allora del tutto ingiustificato l'atteggiamento successivamente assunto sia da Cardi che da Sperone-Westwater che non solo hanno osteggiato la verifica da parte dell'Archivio dell'autenticità delle altre opere oggetto della mostra e del catalogo, ma hanno anche preteso che l'Archivio riconoscesse l'autenticità di tutte le opere oggetto della mostra e si impegnasse ad inserirle nel Catalogo ragionato delle opere di Alighiero Boetti, minacciando in caso

contrario di agire nei confronti di tutti gli attori per chiedere il risarcimento di rilevanti danni.

Di fronte alla posizione assunta dalla Galleria Sperone Westwater, dalla Galleria Cardi e dal signor Cardi è interesse degli attori – l'Archivio Boetti, Agata e Matteo Boetti e la signora Anne Marie Sauzeau – ottenere l'accertamento dell'insussistenza di qualsiasi loro responsabilità per i fatti contestati e il loro diritto di esprimere liberamente il proprio giudizio sull'autenticità delle opere di Alighiero Boetti. Non solo: è anche interesse degli attori ottenere l'accertamento della autenticità o falsità di tutte le opere della partita proveniente dalla Galleria Cardi esposte e messe in vendita nell'ambito della mostra di New York, poiché la verificata falsità di tre di tali opere e la dubbia autenticità di una quarta fanno seriamente dubitare dell'autenticità delle restanti sei opere.

Nessun fondamento ha innanzitutto l'assunto della Galleria Sperone Westwater secondo cui gli attori avrebbero creato nella Galleria l'affidamento sulla autenticità delle opere esposte al pubblico nell'ambito della mostra del 2002 e riprodotte nel relativo catalogo. La circostanza che l'Archivio abbia subito segnalato la falsità dell'opera "*Aerei*" non poteva assumere per la Galleria il significato di conferma della autenticità delle altre opere riprodotte nel catalogo, sia perché la falsità dell'opera "*Aerei*" era evidente sia perché la valutazione dell'autenticità delle opere di Boetti, come in generale dell'arte contemporanea, richiede l'esame di ogni aspetto delle opere con strumenti tecnici e scientifici, oltre che storici e critici, che devono essere elaborati appositamente sulla base di uno studio approfondito dell'opera complessiva dell'Artista. E un tale esame non potrebbe essere compiuto sulla base di

semplici riproduzioni fotografiche come quelle presenti nel catalogo di cui si discute. E neppure una persona esperta, come la sig.ra Sauzeau, avrebbe potuto farsi un'opinione sulla autenticità delle opere in occasione di una visita fugace ad una esposizione. Piuttosto, come si è detto, il sig. Cardi, la sua e la Galleria Sperone-Westwater avrebbero dovuto verificare l'autenticità delle opere con diligenza professionale prima ancora dell'organizzazione della mostra e comunque, una volta constatata l'esistenza fra le opere esposte di un evidente falso, avrebbero dovuto sottoporre le altre opere ad un approfondito scrutinio soprassedendo provvisoriamente alla loro vendita. Essi devono quindi imputare a se stessi le conseguenze della vendita di opere che si sono rivelate o si rivelassero non attribuibili ad Alighiero Boetti.

In nessun caso la Galleria Sperone-Westwater potrebbe pretendere che l'Archivio riconoscesse in blocco l'autenticità delle opere esposte nell'ambito della mostra di New York e riprodotte nel relativo catalogo anche inserendole nel Catalogo ragionato in corso di preparazione in contrasto con il giudizio competente dei suoi esperti, la cui attività del resto tutela le tante collezioni nelle quali sono presenti le opere autentiche dell'Artista. Il diritto di esprimere il proprio giudizio sulla autenticità delle opere rientra nella libertà di espressione garantita dall'art. 21 della Costituzione Italiana, mentre il diritto morale d'autore non è né alienabile né rinunciabile.

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Per questi motivi l'Archivio Alighiero Boetti di Roma, in persona del suo legale rappresentante *pro tempore* sig.ra Agata Boetti, il sig. Matteo Boetti, la sig.ra Agata Boetti e la sig.ra Anne Marie Sauzeau, tutti rappresentati, difesi ed elettivamente domiciliati come in epigrafe

CITANO

il sig. Renato Cardi, domiciliato in Milano, via M. de Marchi 2,  
la Galleria d'Arte Cardi S.r.l., in persona del suo legale rappresentante  
*pro tempore*, con sede in Milano, p.zza S. Erasmo 3,  
la Sperone Westwater Inc. in persona del suo legale rappresentante *pro  
tempore* con sede a New York ( N. Y. USA), 415 W 13th Street, 2nd floor.  
nonché la Sperone-Westwater Gallery LLC, in persona del suo legale  
rappresentante *pro tempore* con sede in New York (N.Y., U.S.A.), 414 W  
13th Street, 2nd floor.

a voler comparire dinanzi al Tribunale di Milano, Sezione specializzata  
in materia di proprietà industriale e intellettuale, Giudice Istruttore che verrà  
designato, all'udienza del 28 ottobre 2008, o nell'altra che dovesse essere  
fissata ai sensi dell'art. 168 *bis* c.p.c., costituendosi venti giorni prima  
dell'udienza sopra indicata con il deposito presso la Cancelleria del Giudice  
designato della loro comparsa di costituzione e risposta e del fascicolo dei  
documenti che offrono in comunicazione corredato da indice, con l'avvertenza  
che in difetto incorreranno nelle decadenze previste dalla legge e indicate  
nell'art. 167 c.p.c. e che in difetto si procederà comunque in loro legittima e  
declaranda contumacia, per ivi sentir accogliere le seguenti

CONCLUSIONI

Voglia il Tribunale ill.mo, disattesa e respinta ogni contraria domanda,  
eccezione e deduzione, così giudicare:

1. accertare che quattro delle opere esposte nell'ambito della  
mostra di opere di Alighiero Boetti organizzata dalla Galleria Sperone-  
Westwater a New York dal 10 gennaio al 2 marzo 2002 e riprodotte nel

relativo catalogo “*Simmetria Asimmetria*” non possono essere attribuite a tale artista e precisamente quelle denominate “*Aerei*”, ‘*Uno zero*’, ‘*Salezucchero*’ e ‘*AELLEIGIACCAIERREOEBIOETITII*’, come meglio indicate nella narrativa del presente atto;

2. accertare se le restanti opere provenienti dalla Galleria Cardi, esposte al pubblico e vendute dalla Galleria Sperone Wetswater nell’ambito della detta mostra possano essere attribuite ad Alighiero Boetti;

3. inibire alla Galleria Sperone-Westwater in persona del suo legale rappresentante *pro tempore* l’ulteriore distribuzione e comunicazione al pubblico del catalogo della mostra di cui sopra “*Simmetria Asimmetria*” e inibire alla Galleria d’Arte Cardi s.r.l. e al signor Renato Cardi l’esposizione al pubblico, la vendita e la comunicazione al pubblico delle opere che non risultano o non risulteranno attribuibili ad Alighiero Boetti presentandole come opere dello stesso;

4. condannare la Galleria d’Arte Cardi s.r.l., il signor Renato Cardi e la Galleria Sperone Westwater in via solidale fra loro a risarcire ai signori Agata e Matteo Boetti i danni derivanti dalla esposizione, vendita, riproduzione e comunicazione al pubblico come opere di Alighiero Boetti di opere non autentiche nella misura che verrà determinata in separato giudizio;

5. accertare che pubblicando nel catalogo “*Simmetria Asimmetria*” l’articolo “*Boetti monocromo*” della signora Anne Marie Sauzeau la Galleria Sperone Westwater ha violato i diritti patrimoniali e morali d’autore della signora Sauzeau, e inibire l’ulteriore distribuzione e comunicazione al pubblico del catalogo;

6. condannare la Galleria Sperone-Westwater a risarcire alla signora Sauzeau i danni patrimoniali e morali derivanti dalla pubblicazione dello scritto di cui al punto precedente nella misura che verrà determinata in separato giudizio;

7. dichiarare che nessuno degli attori è responsabile degli illeciti ad essi contestati dalla Galleria Sperone-Westwater, dalla Galleria d'Arte Cardi s.r.l. e dal signor Renato Cardi nei termini e con le modalità indicati nella narrativa del presente atto;

8. condannare i convenuti a pagare spese, diritti ed onorari del presente giudizio.

Con riserva di precisazioni, modificazioni, produzioni e richieste, anche istruttorie, nei termini di legge che fin d'ora si chiede di voler assegnare ai sensi dell'art. 183 c.p.c., si depositano i seguenti documenti:

1 - pagine tratte dal sito [www.speronewestwater.com](http://www.speronewestwater.com) relativamente all'Artista Alighiero Boetti e alla mostra di cui in narrativa

2 - copia del catalogo 'Simmetria Asimmetria' stampato a Roma per Sperone Westwater nel dicembre 2001 da Tipografia Olivieri

3 - lettera dell'Archivio in data 8 giugno 2004 al sig. Giorgio Bassi relativa al parere negativo espresso in data 29 maggio 2004 sull'opera Unozero

4 - certificato negativo relativo all'opera "Salezucchero" emesso nella seduta del 6 marzo 2006

5 - lettera dell'Archivio Boetti in data 8 marzo 2006 relativa all'esame in data 6 marzo 2006 dell'opera "Salezucchero";

6 - richiesta della Christie's relativa all'esame dell'opera "Salezucchero";

7 - pagina del sito web Christie's relativa all'opera "Salezucchero";

8 - lettera dell'Archivio Boetti in data 23 aprile 2001 alla Christie's di Roma relativo all'esame dell'opera "AELLEIGIACCAIERREOEBOETITIT" in data 18 aprile 2001;

9 - lettera dell'Archivio Boetti (Matteo Boetti) alla Galleria Sperone-Westwater in data 31 marzo 2006

10 - lettera della Galleria Sperone-Westwater all'Archivio Alighiero Boetti (Matteo Boetti) in data 18 aprile 2006

11 - lettera della Galleria Sperone-Westwater all'Archivio Boetti (Agata Boetti) in data 24 aprile 2006

12 - lettera all'Archivio Alighiero Boetti dell'avv. Felice d'Alfonso del Sordo in data 31 agosto 2006 per conto della Galleria Sperone-Westwater di N.Y.

13 - lettera dell'avv. Hugh J. Freund all'avv. Barenghi in data 24 aprile 2007, con espressa richiesta di inoltrare copia della lettera ai clienti

14 - lettera all'Archivio Alighiero Boetti dell'avv. Ermanno Tommasini per conto del sig. Renato Cardi in proprio e quale rappresentante della Galleria Cardi s.r.l. in data 31 luglio 2006

Ai fini del versamento del contributo unificato si dichiara che il valore della presente controversia è indeterminabile.

Roma-Milano, 8 gennaio 2008

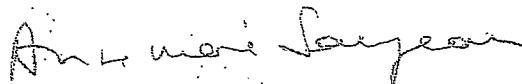
Avv. Prof. Paolo Auteri

Avv. Prof. Andrea Barenghi

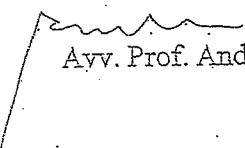
PROCURA ALLA LITE

La sottoscritta sig.ra Anne Marie Sauzeau delega a rappresentarla e difenderla nel presente giudizio, in ogni sua fase e grado, con ogni facoltà di legge, l'avv. prof. Andrea Barenghi e l'avv. prof. Paolo Auteri ed elegge domicilio presso il loro studio in \_\_\_\_\_

Anne Marie Sauzeau



Vera la firma

  
Avv. Prof. Andrea Barenghi

  
Avv. Prof. Paolo Auteri

Io sottoscritta Agata Boetti delego a rappresentarmi e difendermi nel  
presente giudizio - in ogni sua fase e grado - l'avv. prof. Andrea Barenghi e  
l'avv. prof. Paolo Auteri, a tal fine conferendogli ogni facoltà di legge, ed  
eleggo domicilio presso lo studio del secondo in Milano - 20122, via  
Visconti di Modrone 21.

Agata Boetti

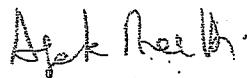
*Agata Boetti*

È autentica

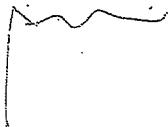
*[Signature]*

Io sottoscritta Agata Boetti, nella mia qualità di Presidente e legale rappresentante dell'Archivio Alighiero Boetti, con sede in Roma vicolo della Penitenza 17, delego a rappresentarmi e difendermi nel presente giudizio - in ogni sua fase e grado - l'avv. prof. Andrea Barenghi e l'avv. prof. Paolo Auteri, a tal fine conferendogli ogni facoltà di legge, ed eleggo domicilio presso lo studio del secondo in Milano - 20122, via Visconti di Modrone 21.

Agata Boetti n.q.

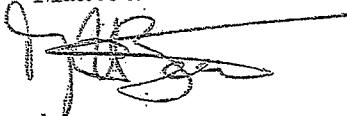


È autentica



Io sottoscritto Matteo Boetti delego a rappresentarmi e difendermi nel presente giudizio - in ogni sua fase e grado - l'avv. prof. Andrea Barenghi e l'avv. prof. Paolo Auteri, a tal fine conferendogli ogni facoltà di legge, ed eleggo domicilio presso lo studio del secondo in Milano - 20122, via Visconti di Modrone 21.

Matteo Boetti



È autentica



RELAZIONE DI NOTIFICAZIONE

A richiesta dell'avv. Paolo Auteri, difensore degli attori Agata e Matteo Boetti, Anna Maria Sauzeau e Archivio Alighiero Boetti, io sottoscritto Ufficiale Giudiziario addetto all'Ufficio Unico Notifiche presso la Corte d'Appello di Milano ho notificato il suesteso atto di citazione a:

- signor Renato Cardi, nel suo domicilio, in Milano, via M. de Marchi 2,<sup>20121</sup>, ivi recandomi e consegnandone copia conforme all'originale a mani

- Galleria d'Arte Cardi s.r.l. in persona del legale rappresentante *pro tempore*, presso la sua sede in Milano, piazza S. Erasmo n. 3, 20121, ivi recandomi e consegnandone copia conforme all'originale a mani di

e, ai sensi dell'art. 5 lett. A della Convenzione dell'Aja del 15/11/1965, ho notificato il suespresso atto di citazione, mediante trasmissione, a mezzo del servizio postale, di 2 copie tradotte all'Autorità Centrale presso la Process Forwarding International, 633 Yesler Way, Seattle, WZ 98104, United States of America, alla:

- Sperone-Westwater Inc. in persona del suo legale rappresentante *pro tempore* con sede a New York ( N. Y. USA), 415 W 13th Street, 2nd floor.
  
- Sperone-Westwater Gallery LLC, in persona del suo legale rappresentante *pro tempore* con sede in New York (N.Y., U.S.A.), 415 W 13th Street, 2nd floor

# **EXHIBIT 1**

Alighiero Boetti

Document 16-2

Filed 07/14/2008

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# SPERONE WESTWATER

doc. 1
[artists](#)[works](#)[exhibitions](#)[catalogues](#)[articles](#)[history](#)[contact](#)**artists****Alighiero Boetti**

1940 Born in Turin, Italy  
 Lived and worked in Rome

1994 Died in Rome, 24 April

**SELECTED ONE PERSON EXHIBITIONS**

- 1967 Galleria Christian Stein, Turin  
           Galleria La Bertesca, Genoa
- 1968 Galleria Christian Stein, Turin  
           Galleria De Nieubourg, Milan  
           Galleria Sperone, Turin
- 1970 Galleria Toselli, Milan  
           Galerie Heiner Friedrich, Munich  
           Galleria Acme, Brescia  
           "Besprechungsvortrag," Aktionsraum 1, Munich
- 1971 "A.B. - 16 Drawings," Galeria Konrad Fischer, Dusseldorf  
           "12 Forme dal 10 giugno 1967," Galleria Sperone, Turin
- 1972 Galleria Toselli, Milan
- 1973 Galleria Marilena Bonomo, Bari, Italy  
           John Weber Gallery, New York  
           Sperone-Fischer Gallery, Rome  
           Galleria Toselli, Milan  
           Galerie MTL, Brussels  
           Art & Project, Amsterdam
- 1974 Galerie Anne Marie Verna, Zurich  
           Kunstmuseum, Lucerne  
           Galleria Gian Enzo Sperone, Turin
- 1975 John Weber Gallery, New York  
           Ein Werk fur einen Raum (Ononimo)  
           Kunstmuseum Luzern  
           Galleria ARFA-ZWEY  
           Saman Gallery, Geneva  
           Galleria Gian Enzo Sperone, Rome  
           Galleria AREA, Florence  
           Galleria Pasquale TriSorio, Naples  
           Galleria Gian Enzo Sperone, Turin
- 1976 Galleria Banco/Massimo Mini, Brescia  
           Galleria Lia Rumma, Naples  
           Insicuro non Curante, Studio Marconi, Milan  
           Galleria D'Alessandro-Ferranti, Rome
- 1977 Centre d'art contemporain, Geneva

Alighiero Boetti

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Galleria Marlborough, Rome  
 Galleria Anne Marie Verna, Zurich  
 Galleria Dell'Arte, Milan  
 Centre Dell'Ariete, Milan  
 Galleria Il Collezionista, Rome  
 1978 Galleria Christian Stein, Turin  
 Kunsthalle Basel, curated by Jean-Christophe Amman  
 Galeria Paul Maenz, Cologne  
 Galleria Il Cortile, Rome  
 Galleria Giuliana de Crescenzo, Rome  
 1979 Studio D'Arte TxT, Rimini  
 Studio Plura Edizioni, Milan  
 1980 Galleria Minini, Brescia  
 Salvatore Ala Gallery, New York  
 Art Agency/Aka, Tokyo  
 1981 Galleria LP220-Franz Paludetto, "Una Faccenda Ottusa," Brescia  
 Galerie Chantal Crousel, Paris  
 1982 Gallerie Toselli, Milan  
 Galleria Mario Diacono, Rome  
 Anne Marie Verna Gallerie, Zurich  
 1983 Galleria Mario Pieroni, Rome  
 Gallerie Giorgio Persano, Padiglione Arte Contemporanea, Milan  
 Galleria Enzo Cannaviello, Milan  
 Galleria LP220-Franz Paludetto, "The Thousand Longest Rivers in the World,"  
 Turin  
 1984 Galerie Eric Franck, Geneva  
 John Weber Gallery, New York  
 Boetti Retrospective, Pinacoteca Communale Loggetta Lombardesca, Ravenna  
 Boetti Drawings 1984, Galleria Franz Paludetto, Turin  
 Facolta 'Di Architettura, Rome  
 Pinacoteca di Ravenna-Antologica, Ravenna  
 1985. Pinacoteca comunale di Ravenna (retrospective exh.), Ravenna  
 Galleria Marilena Bonomo, Bari, Italy  
 Galleria Chisel, Genova  
 Galleria Pero, Miozawo  
 Incontri Internazionali D'Art, Rome  
 Studio La Citta, Verona, Italy  
 Galleria Il Cortile "Una Scimmia Due Scimmie," Rome  
 1986 "Insicurononcurante," Noveau Musée, Lyon  
 Stedelijk Van Abben Museum Antologica, Eindhoven, Belgium  
 Galleria Pietro Sparta, Chagny, France  
 Michael Klein Inc., Amsterdam  
 Galleria Susan Wyss "Esercizi 86," Zurigo  
 Villa Arson, Nice, France  
 1987 Galleria Lucio Amelio, Naples  
 Galleria Christian Stein, Turin  
 Galleria Christian Stein, Milan  
 Galleria Alessandra Bonomo, Rome  
 1988 "Alighiero e Boetti opere dal 1974 al 1987," la Nuova

Alighiero Boetti

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Galleria H.S. Steineck, Vienna  
 Galleria Pio Monti, Rome  
 Galerie Susan Wyss, Zurich  
 1989 Galleria Toselli, Milan  
 Laurie Genillard Gallery, London  
 Gallerie H.S. Steineck, Vienna  
 Edward Totah Gallery, London  
 1990 Galleria Lucio Amelio, Naples  
 "Cent Broderies," Galerie Eric Franck, Geneva  
 Galerie Leccese - Spruth, Cologne  
 Galerie Leyendecker, Santa Cruz, Tenerife  
 Galerie Hadrien Thomas, Paris  
 Galerie Amelio Brachot, Paris  
 Galleria Pio Monti, Rome  
 "XLIV Biennale di Venezia," Venice  
 Museo Casabianca, Malo  
 1991 Galleria Seno, Milan  
 Galleria Marilena Bonomo, Bari, Italy  
 John Weber Gallery, New York  
 1992 Franck - Schulte Galerie, Berlin  
 1992- "Synchronizitat als ein Prinzip akausaler Zusammenhänge," Kunstverein, Bonn;  
 93 Westfälischer Kunstverein, Münster; Kunstmuseum, Lucerne.  
 1993 "Alternating 1 to 100 and Vice Versa," Centre National d'Art Contemporain de Grenoble, Grenoble, France, 27 November 1993-27 March 1994 (catalogue); The Museum of Contemporary Art, Los Angeles, California, 7 August 1994-4 September 1994; P.S.1 Museum, Long Island City, New York, October 13 - January 8 (selection)  
 1994 "Alighiero e Boetti," taking place within the project, "Origin and Destination," Société des Expositions du Palais des Beaux-Arts de Bruxelles, Brussels, 18 February - 3 May (catalogue)  
 1995 "Alighiero e Boetti Map and Embroideries 1984 - 1988," John Weber Gallery, New York, January 14 - February 11  
 "Alighiero e Boetti," Sperone Westwater, New York, 25 March - 29 April  
 "Alighiero e Boetti," Monika Sprüth Galerie, Cologne, Germany, May - June  
 "Alighiero e Boetti: Frammenti di un fregio," Galleria Cardi, Milan and Galleria Sperone, Rome, May 30 - July 30  
 1996- "Alighiero Boetti," Galleria Civica d'Arte Moderna e Contemporanea, Turin, Italy,  
 97 May 9 - September 1; Musée d'Art Moderne, Villeneuve d'Ascq, France,  
 September 28, 1996 - January 12, 1997; Museum Moderner Kunst Stiftung Ludwig, Vienna, February, 1997-May, 1997 (catalogue)  
 1998 "Alighiero Boetti: Mettere al mondo il mondo," Museums für Moderne Kunst, 30 January-10 May, and Galerie Jahrhunderthalle Hoechst, Frankfurt am Main, 1 March-19 April  
 "Alighiero e Boetti: 'Weltkarten,'" Monika Sprüth Galerie, Cologne, 18 April (closing date)  
 "Alighiero Boetti," Lindig in Paludetto zeitgenössische Kunst, Nürnberg, 13 May-20 June 1998  
 1999 "Boetti; the maverick spirit of Arte Povera," Whitechapel Art Gallery, London, 15 September - 7 November 1999  
 "Alighiero e Boetti," presented by Massimo Minini, Laure Genillard Gallery, London, 17 September - 23 October 1999  
 2000 "Caravanserail," Carousel Gallery, 5 February - 25 March, 2000

"Alighiero Boetti, Works on Paper 1967-1989," Barbara Gladstone, 23 February - 8 April 2000

2001 "Alighiero e Boetti," Gagosian Gallery, New York, 10 February - March.  
"Untitled"-Victoria Boogie-Woogie (1972) and Selected Early Works," Sperone Westwater, New York, 19 April-2 June 2001

2002 "Alighiero e Boetti: 'Simmetria Asimmetria' ('Biro' Works from the 70's and 80's)," Sperone Westwater, New York, 24 January – 6 April 2002 (catalogue)  
"Alighiero e Boetti," The Arts Club of Chicago, Chicago, 25 January – 6 April 2002 (catalogue)

2003 "Alighiero Boetti", Marconi, Milan, June 10-July 15  
"Alighiero e Boetti: Early Works," Sprüth Magers Lee, London, 5 September – 4 October

2004 Alighiero e Boetti, "Quasi Tutto (Almost Everything)," Galleria d'Arte Moderna e Contemporanea, Bergamo, Italy, 6 April – 18 July; Fundación PROA, Buenos Aires, September (catalogue)  
"Alighiero e Boetti," Caratsch dePury & Luxembourg, Zurich, 27 May – 20 August 2004

2006 "Un Pozzo Senza Fine, Embroideries," Ben Brown Fine Arts, London, 23 January – 7 April 2006.  
"Alighiero E. Boetti," Studio Gian Galeazzo Visconti, Milan, Italy, 8 March – 31 May 2006.

**SELECTED GROUP EXHIBITIONS**

1967 "Premio San Fedele," Milan  
"Arte Povera," Galleria La Bertesca  
"Arte Povera," University of Genoa  
"Arte Povera," Galleria La Bertesca, Genoa; University of Genoa; Galleria De Foscherari, Bologna; Centro Arte Viva Feltrinelli, Trieste  
"Contemplazione," Galleria Sperone, Turin; Galleria Flaviana, Lugano

1968 "RA3/Arte povera più azione povere," Amalfi  
Group exhibition, Galleria Christian Stein, Rome  
"Premio Masaccio," Città di San Giovanni Valdarno  
"Il Teatro delle Mostre," Galleria La Tartaruga, Rome  
"9 per un Percorso," Galleria Arco d'Albert, Rome  
"Prospect 68," Städtische Kunsthalle, Dusseldorf

1969 "Op Losse Schroeven,  
"When Attitudes Become Form," Kunsthalle, Bern; Museum Haus Lange, Krefeld;  
ICA, London  
"Konzeption/Conception," Städtisches Museum, Leverkusen  
"Prospect 69," Städtische Kunsthalle, Dusseldorf  
"Sentenza 1 (Boetti, Long, Paolini, Ryman)," Galleria Toselli, Milan  
"Disegni e Progetti," Galleria Sperone, Turin  
"Mostra nazionale delle gallerie di tendenza," Modena

1970 "La Fotografia creativa," Centro La Capella, Trieste  
"Vitalità 'del Negativo dell' Arte Italiana 1960-1970," Palazzo delle Esposizioni di Roma, Rome  
"Besprechungsvortrag - Love's Body," Aktionsraum 1, Munich  
"Identification," Video Galerie Gerry Schum, Hannover  
"3a Biennale della giovane pittura," Bologna  
"Processi di pensiero visualizzati," Kunstmuseum, Lucerne  
"Conceptual Art/Arte Povera/Land Art," Galleria Civica d'Arte Moderna, Turin  
"3e Salon International des Galeries Pilotes," Musée Cantonal des Beaux-Arts, Lausanne

1971 "Formulation," Addison Gallery of American Art, Phillips Academy, Andover, Massachusetts  
 "Arte povera," Kunstverein, Munich  
 "Persona," Internationales Theaterfestival Belgrad, Belgrade  
 "7e Biennale de Paris," Musee d'Art Moderne de la Ville de Paris  
 "Informazioni sulla presenza italiana," Incontri Internationali d'Arte, Rome

1972 "Documenta 5," Kassel  
 "XXXVI Biennale di Venezia," Venice  
 "420 West Broadway," Festival of Two Worlds, Spoleto  
 "De Europa," John Weber Gallery, New York 1973  
 "Contemporanea," Parcheggio di Villa Borghese, Rome  
 Galleria Sperone Fischer, Rome  
 "7 Italiani," MTL Bruxelles/ l'Art and Project, Amsterdam  
 "X Quadriennale," Rome  
 "New Italian Art," Gallery Belfast and David Hendriks Gallery, Dublin

1974 "Eight Contemporary Artists," Museum of Modern Art, New York  
 "24 Ore," Galleria l'Attico, Rome  
 "Gheno, Eros, Thanatos," Galleria de' Foscherari, Bologna

1975 "VIII Biennale de S. Paolo," Sao Paulo  
 Galleria Gian Enzo Sperone, Rome  
 Galleria La Salita, Rome  
 "Boetti-Chia-Clemente-Pisani," Galleria Framart, Napoli  
 "Il Disegno Galleria Randanini," Rome  
 Sperone Westwater Fischer, New York  
 University of Hartford, Hartford, Connecticut

1976 "Prospectretrospect, Europa 1946 - 1976," Städtische Kunsthalle, Düsseldorf  
 Galleria Franz Paludetto-LP220, Turin

1977 "Contrasto apparente - 16 italiani," Museum Boymans Van Beuningen, Rotterdam  
 "Arte in Italia 1960 - 77," Galleria Civica d'Arte Moderna, Turin  
 "21 Contemporary Italian Artists," Villa Comunale Ormond, Säremo

1978 Kunstverein, Basel  
 "The Contemporary Figure," Galleria de' Foscherari, Bologna  
 Galleria La Piramide, Florence  
 Galleria La Salita, Rome  
 "Dalla natura all'arte - dall'arte alla natura," Biennale di Venezia, Venice  
 "Ars Combinatoria-Omaggio a Fahlstrom," Galleria Communale d'Arte Moderna di Bologna, Bologna  
 "The Room," Castello Colonna di Gemazzano, Gemazzano

1979 "Words," Museum Bochum, Palazzo Ducale, Genoa, Palazzo Ducale, Genova  
 "Hommage to Ovylind Fahlstrom," Gallery of Modern Art, Bologna  
 "Textural," Rotonda di via Besana, Milan  
 Centre d'Art Contemporain, Geneva

1980 "Ut pictura poesis," Loggetta Lomberdesca, Ravenna  
 "Pier Ocean," Hayward Gallery, London; Rijksmuseum, Kroller-Muller, Otterloo, the Netherlands  
 "Construction in the art of the seventies," Rijksmuseum Kroller - Muller, Otterlo  
 Biennale di Venezia, Venice

1981 "Avanguardia Transavanguardia," Mura Aureliana, Rome  
 "Documenta 7," Kassel

"Duetto - Alighiero Boetti & Ettore Sottsass," A.A.M. Coop, Rome  
 "Identite Italienne, L'art en Italie depuis 1959," Centre Georges Pompidou, Paris  
 1982 "About Books," Galleria Mario Pieroni, Rome  
 1983 "Carla Accardi - Alighiero Boetti," Padiglione  
 "Eine Kunstgeschichte aus Turin 1965 - 83," Kölnerischer Kunstverein, Cologne  
 "30 Italian Artists: 1950-1983," Chiesa di S. Samuele, Venice  
 "Il Grande Disegno," Comune di Fiesole, Fiesole  
 "Imago," Galleria Civica d'Arte Contemporanea di Suzzara, Suzzara  
 "Boetti LeWitt Paolini," Galleria Mario Pieroni, Rome  
 1984 "Il modo italiano," California State University, Los Angeles, California  
 "Interventi di Boetti e Schifano," University of Rome, Department of Architecture, Rome  
 "Que Reste-t-il (What Remains)," Over Studio, Torino  
 "Sein und Sehnsucht," Kunsthalle Kassel, Kassel  
 "Coerenza in coerenza - dall'arte povera al 1984," Mole Antonella, Turin  
 "Imago," PAC, Ferrara  
 "Esposizione disegni," Galleria Communale d'Arte Contemporanea, Bologna  
 1985 "Arte povera - dell'arte povera al 1985," Placido de Velazquez, Placido de Cristal, Parc del Retiro, Madrid  
 "Italienische Kunst," Castello di Rivoli  
 "Knot Arte Povera," P.S. 1, New York  
 "Boetti Dadamaino," Studio Tre Architettura, Milan  
 "On Language and Ecstasy," Alvar Aalto Museo, Jyvaskyla  
 Porin Taidemuseo, Pori, Finland  
 "Promenade," Geneva  
 "Sein und Sehnsucht," Villa Merkel, Esslingen; Kunsthalle Kassel  
 1986 "XLII Biennale di Venezia," Venice  
 "Ritrattare," Galleria Eva Menzio, Torino  
 "Il Cangiante," PAC, Milan  
 1987 "Disegnata," Loggetta Lomberdesca, Ravenna  
 "Arte Povera," Galerie Durand Dessert, Paris  
 "Arte Povera nelle Collezioni pubbliche in Francia," Musées d'art et d'histoire, Chambéry  
 "Boetti, Ceccobelli, Nunzio, Ontani, Salvo, Schifano, Twombly," Galleria Alessandra Bonomo, Rome  
 "Italianische Zeichnungen 1945 - 1987," Kunstsverein, Frankfurt; Galleria Civica, Modena  
 "Chef d'oeuvre," Libreria Adria, Rome  
 "Similia Dissimilia, Modes of abstraction...today," Städtische Kunsthalle, Düsseldorf; Leo Castelli Gallery and Sonnabend Gallery, New York  
 1988 "Forma Urbis, 'Memoria e progetto'," Santa Maria del Popolo, Rome  
 "Acquisition récentes du frac des pays de la Loire," Nantes  
 "A.B.O. Ritratti di un uomo," Fortezza da Basso, Firenze; Galleria Sprovieri and Cleto Polcino arte moderna, Rome  
 "Made to measure," Trettle's Yard Gallery, Cambridge  
 Galleria Chisel, Milan  
 1989 "Ad usum dimorae," Fondazione Querini Stampalia, Venice  
 "On Paper," Galleria Chisel, Milan  
 "Words," Tony Shafrazi Gallery, New York  
 "Collages," Galleria Arco d'Alibert, Rome

Alighiero Boetti

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"Segni di Acqua," Galleria il Segno, Rome

1989 "L'utilità della bussola inventataa in Amalfi da Flavio Gioia nelle derive dell'arte,"  
Antichi Arsenali della Repubblica, Amalfi

"Verso l'arte povera," Padiglione Arte Contemporanea, Milan

"Magiciens de la Terre," Centre Georges Pompidou, Paris

"Raccolta del disegno contemporaneo, Acquisizioni 1989," Galleria Civica di  
Moderna, Moderna

"L'art conceptual, une perspective, Musee d'art Moderne de la Ville de Paris

"Artoon," Palazzo degli Uffici, Rome

1990 "Il mondo delle torri," Palazzo Reale, Milan  
Hubert Klocker, Schottenfeldgasse  
Galerie Susan Wyss, Zurich

1991 "L'Arte Povera," Kunstverein, Munich  
"Opere Sparse in Galleria," La Bertesca, Genova  
"Incompatibilità," Galleria Giulia, Rome  
Hubert Klocker, Schottenfeldgasse

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(catalogue)

1994- 95 "Worlds Envisioned," Dia Center For The Arts, New York, 6 October 1994- 8 June  
1995, American Center, Paris, 6 September 1995 - 28 January 1996 (catalogue)  
"The Italian Metamorphosis, 1943 - 1968," Solomon R. Guggenheim Museum,  
New York, October 6- January 22 (catalogue)  
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1995 Sperone Westwater, New York, September - October

1995- 96 "Tradition & Innovation: Italian Art since 1945," National Museum of Contemporary  
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1997 "Arte Italiana, Ultimi Quarant'anni: Materiali Anomali," Galleria d'Arte Moderna di  
Bologna, 28 February - 4 May  
"Anselmo, Boetti, Laib, Merz, Nauman, Paolini, Pistoletto, Vital, Zorio," Sperone  
Westwater, New York, 13 September-18 October

1997- 98 "Arte Italiana, 1945-1995: il visibile e l'invisibile," Aichi Prefectural Museum of Art,  
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Hiroshima City Museum of Contemporary Art, 15 June-26 July  
"Arte Italiana: Ultimi quarant'anni, Pittura iconica," Galleria d'Arte Moderna,  
Bologna, Italy, 28 November-8 March (catalogo)  
Christian Stein, Milan, December-January

1997- 00 "Arte Povera: Arbeiten und Dokumente aus der Sammlung Goetz, 1958 bis  
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Nürnberg, October-December; Kölnischer Kunstverein, 13 February-26 April;  
Museum Moderner Kunst Stiftung Ludwig Wien, Palais Lichtenstein, Vienna, 19  
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Alighiero Boetti

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99 (catalogue)

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"USF Collects," University of South Florida Contemporary Art Museum, 21 August - 29 September 2000  
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Group Show, Edward Tyler Nahem Fine Art, New York, November - December 2000

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"Zero to Infinity: Arte Povera," Tate Modern, 31 May - 19 August 2001 (brochure)  
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2001- "Accrochage," Galerie Guy Bärtschi, Geneva, 6 December 2001 - 2 February 2002

2002 "A Silent Poetry," Timothy Taylor Gallery, London, 16 January - March  
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2003- "Thinking about Sculpture," The Rachofsky House, Dallas, Texas, 2003 - 2004  
2004 "...So Fresh, So Cool," Galleria Cardi, Milan, 21 June - 18 September 2004

2005 "Open Systems: Rethinking Art c. 1970," Tate Modern, London, 1 June - 18 September 2005  
"Looking at Words; The Formal Presence of Text in Modern and Contemporary Works on Paper," Andrea Rosen Gallery, New York, 28 October - 3 December

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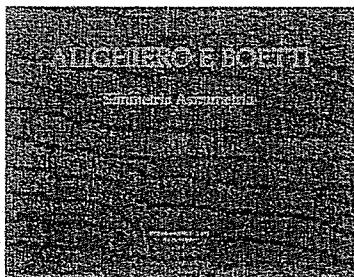
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Simmetria Asimmetria

Alighiero Boetti

10 January 2002

Catalogue published in conjunction with an exhibition at Sperone Westwater, New York, 2002. Text by Annemarie Sauzeau Boetti. Forty-two pages with fifteen full color plates including four foldout images. Hardbound with wraparound cover. 9 x 11 1/2 inches.

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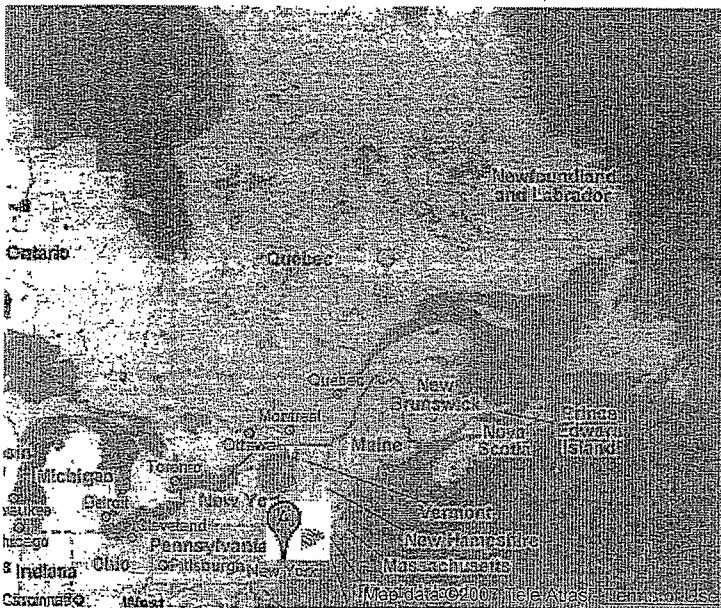
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Tuesday - Saturday, 10 am - 6 pm

The gallery will be closed from 23 December 2007 to 1 January 2008.  
Regular hours will resume on Wednesday 2 January 2008.

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### Alighiero Boetti: Selected Exhibitions

8 June 2004 through 10 September 2004	Alighiero e Boetti Caratsch de Pury & Luxembourg, Zurich, Switzerland
1 June 2003 through 1 July 2003	Lines of Engagement Sperone Westwater - New York
25 January 2002 through 6 April 2002	Alighiero e Boetti The Arts Club of Chicago, Chicago, Illinois
10 January 2002 through 2 March 2002	Alighiero e Boetti: Simmetria Asimmetria Sperone Westwater - New York
1 November 2001 through 15 December 2001	Green on Greene Sperone Westwater - New York
19 April 2001 through 2 June 2001	Alighiero e Boetti: Victoria Boogie Woogie (1972) Sperone Westwater - New York
4 May 2000 through 30 August 2000	Cosmologies Sperone Westwater - New York
25 March 1995 through 27 May 1995	Alighiero Boetti Sperone Westwater - New York

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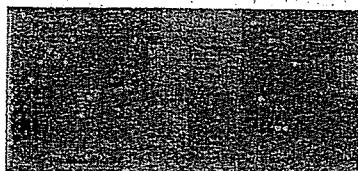
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### Monochrome Boetti

"Simmetria Asimmetria" Exhibition Catalogue Essay

10 January 2002

Alighiero Boetti always liked to define himself as a painter even though he gave up oil painting and the use of the brush at the age of 22. From then he always "made things" with his hands (or through the intermediary of peoples' hands). These objects were not painted but were glued, sprayed, stencilled, soaked, padded, splashed, transferred, rubbed through, stamped with ink or sealing wax, drawn, calligraphed, scribbled – you name it. Prominent among the forms that he highlighted against the background were letters, figures, words and numbers, phrases and dates – in other words, language and linguistic meaning, which may have been more or less explicit or more or less hidden.

When he started out in 1966 in the context of what was later called Arte Povera, the three-dimensional objects he presented included monochrome placards with words that had been glued on and stood out slightly. Their meaning was often related to the chosen colour. (Beige Sabbia, 1967; Bleu Cannes, 1967; Grigio Dover, 1967; Rosso Gilera, 1967.)

In 1970 he abandoned every other material than pencil and paper (often squared paper) but it was still a way to highlight selected text. He also explored the transcription of language by means of systems other than "normal" writing. There were four main ones. The first consisted in redistributing the letters of words according to their alphabetical order. Thus his own name became ABEEGHIILOORTT. Then there was the phonetic transcription of a word spelt in Italian, with "Alighiero Boetti" being written ELLE- I- GI- ACCA ... etc. There was also the evocation of words by a series of commas laid out in accordance with invisible Cartesian coordinates, or axis of which was the alphabet, the other the direction for reading (from left to right and from top to bottom). (I sei sensi, 1973).

Finally, another mode of transcription – the fourth – consisted of placing in a square grid, according to the medieval calligraphic tradition of the "magical square" or "carme". These might be the artist's name again, which was embroidered in black on white, or, in colour, the expression Ordine e disordine (Order and Disorder), which constitutes the most famous of these magic squares but does not appear in this exhibition because Boetti never rendered it in pen.

Let us come back to the two works in which the artist inscribes his identity, first name and surname (this playing with metamorphosis is somehow disturbing: is not this the temptation of the Golem?). The transition from one work to the other is essential not only because of the writing systems but because of the background behind the letters: in the 1970 piece it is simply white paper. But in the following year, the inventive leap consists in reversing the gestalt of form and ground, and writing his name in negative on a coloured ground. On the broad, blue-scribbled surface, against which the letters are left in white, the industrial ink takes on an unexpected density: it is usually hidden in the normal process of writing. Boetti immediately adapted this technique of the coloured ground to his writing system based on coordinates punctuated by commas. And, outside the field of language, he even adapted it as the sky, behind an unlikely concentration of all kinds of

aeroplanes.

Depending on the size and meaning of the texts he spatialised in this way through the '70s and beyond, Boetti might use one or several sheets of paper – up to eleven in a few cases. Eleven was one of his favorite numbers, an amazing figure he associated with the idea of the double because of its twos. The 11 was thus a twin entity, as was his own identity when it became Alighiero e ("and") Boetti. In the present exhibition, *Dimenticare il tempo perduto*, 1982 unfolds gradually over 4 sheets

Up to now, critics have tended to interpret this work as purely linguistic or conceptual and to some extent esoteric, but always as "cold". All the more indeed, because the artist so soon renounced gesture and the physical trace left by his own hand – let us call this "manual subjectivity". He delegated filling and scribbling to other hands, with which he in fact preferred to avoid direct contact. Also, he always stuck to the colours available from the industrial pen, in other words, black, red and green as well as blue.

But was this a matter of pure intellectual rationality? Can it be denied that once covered in this way, the texture of the paper acquires a palpitating density, dictated by the rhythm of the gestures that mark it, caress or aggrieve it, sometimes to the point of tearing it, and by the hand that is doing the colouring? And then the encounter of the paper's gloss with the oily ink engenders a strange, silky shine, like the reddish, goldish glints in taffeta. Boetti's ballpoint monochromes, the rhythmic undulation left by the anonymous hand hypnotises the beholder's eye as it follows its sensual, haunting development. The mere accumulation of the banal ink reveals the intensity of its pigmentary value. And not only in the blue, even if this blue dominant and obviously evokes another blue, another industrial material systematically shown at saturation point by another artist – Yves Klein in blue monochromes.

Boetti was also like Klein, whom he considered a master, in that he did not sacrifice meditative thought (other times and places) to speculative thought (present time). He did not sacrifice the quest for beauty. Boetti remains a modern "iconoclastic deconstructor", ready to take risks, as Germano Celant wrote of him, and he keeps faith with Duchamp's "beauty of indifference" (excluding artistic gesture, the expressivity of a self that can always be replaced by another). Yet with his ballpoint "scribbling" he brings into focus a dazzling image-less vision, one which is conveyed through the power of words and an abstract surface.

It is true that when Boetti spoke directly, in his interviews or written declarations, his voice was so understated, so reserved and ironic, that it hardly encouraged ontological interpretations of his work. Still, more attention should have been paid to his (very explicit) distrust of that puritanical brand of Anglo-American conceptualism which is impervious to the pleasures of beauty. It is time to recognise and attend to the aesthetic and spiritual soul of his own "conceptual" work.

The Boetti's "manner" in ballpoint monochromes marks an innovative conceptual aesthetic but also belongs to a spiritual tradition, that of immaterial energy in cosmic meditation. Here "images" of heavenly constellations and cellular magma rise up in the blue, black or red mass, but do so quite independently of figurative or allegorical representation. Is the same not true of Klein's Cosmogonies, of Lucio Fontana's *La fine di Dio*, or of the emanation of the divine in the created world as conveyed in Anselm Kiefer's *Tikkoun*? The space between "image" and text (whether written as part of the work or evoked in the title) is no longer a matter of iconography. And this new spiritual dimension goes well beyond the exploration of primary artistic materials and minimal gestures (in other words, beyond industrial pigment and raijn for Klein, terracotta and punch for Fontana, lead sheet and clay vases for Kiefer, and Boetti ink scribbling by other people's automatisms).

When speaking of Alighiero Boetti a few years ago, I suggested the term

"imaginal visibility", as used by Henry Corbin to describe spiritual experience in Iranian Sufism (This visionary capacity, which produces non-sensorial images, and quite free of mimesis, is perfectly applicable to the artists I mention here, from Klein to Kiefer) and I added that in 1991 Boetti himself explained what this "imaginal" visibility or "third dimension" might be (that say, in his terms, beyond the two dimensions of "first intentionality" and "degree of beauty"): "The third one", he said, "is the most hidden dimension and the hardest to explain. It is as if I wrote a word in black on white paper: usually, you see the inscription in black, whereas in the third dimension you can see the white instead, the white shape defined by and around the black inscription, and it signifies something that in normal circumstances you cannot grasp."

-Annemarie Sauzeau Boetti, first published in Geneva; Guy Bartschi Galerie 2000.

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### Alighiero e Boetti: "Simmetria Asimmetria"

1 January 2002

Sperone Westwater is pleased to announce an exhibition of "Biro" works Alighiero e Boetti (1940-1994). Consisting of ball-point pen ink on paper mounted on canvas, these works are from a series which began in Rome 1972 and continued through the late 1980s.

Collaborating with assistants, Boetti used four standard ink colors (blue, red and green) to mark small repetitive strokes, often covering the entire sheet. The artist would leave letters and symbols (often commas) as empty white ground or negative space. This exhibition includes works representing each type of iconography that Boetti used in his design of these visual structures.

Many of the works contain puzzles, puns and linguistic codes, wherein letters of the alphabet run horizontally or vertically along the margin of the sheet. This line of letters creates a composition that becomes graph-like, and the meaning of the work is often revealed as the viewer connects commas with corresponding letters horizontally and vertically. In some works like I sei giorni, 1973 and Dimenticare il tempo perduto, 1982 the charting of commas extends across two, even five panels. This unlocking of the artist's created system simulates the very basic way in which the human mind apprehends and functions, unfolding worlds and bringing new meaning up through the margins and into the light.

His classic Aerei, or "Airplanes" series is also featured. Here, the artist uses negative space line drawings of modern and historical airplanes. Originated from popular magazine sources, these images construct an illusory space of action and movement.

A publication will be available with reproductions of every work in the exhibition. For further information or photographs, please contact Sperone Westwater at 212-431-3685.

A small survey exhibition "Alighiero e Boetti" at The Arts Club of Chicago runs concurrently, 24 January – 6 April 2002, for which there will also be a publication. The exhibition is curated by Kathy Cottong.

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### Alighiero Boetti: Selected Exhibitions

8 June 2004 through 10 September 2004	Alighiero e Boetti Caratsch de Pury & Luxembourg, Zurich, Switzerland
1 June 2003 through 1 July 2003	Lines of Engagement Sperone Westwater - New York
25 January 2002 through 6 April 2002	Alighiero e Boetti The Arts Club of Chicago, Chicago, Illinois
10 January 2002 through 2 March 2002	Alighiero e Boetti: Simmetria Asimmetria Sperone Westwater - New York
1 November 2001 through 15 December 2001	Green on Greene Sperone Westwater - New York
19 April 2001 through 2 June 2001	Alighiero e Boetti: Victoria Boogie Woogie (1972) Sperone Westwater - New York
4 May 2000 through 30 August 2000	Cosmologies Sperone Westwater - New York
25 March 1995 through 27 May 1995	Alighiero Boetti Sperone Westwater - New York

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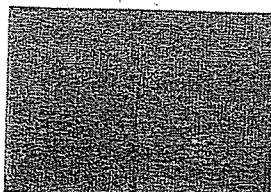
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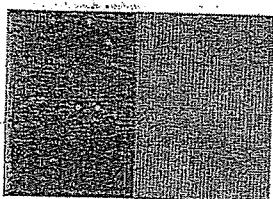
### Alighiero Boetti: Works



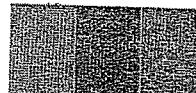
Alighiero Boetti  
Verbi Riflessivi, 1983  
ball-point pen ink on paper  
2 panels; 39 3/8 x 55 1/8 Inches  
100 x 140 cm overall  
SW 02072  
Private Collection



Alighiero Boetti  
Cinque Per Cinque Venticinque, 1983  
ball-point pen ink on paper  
55 1/8 x 39 3/8 Inches  
140 x 100 cm  
SW 02071  
Private Collection



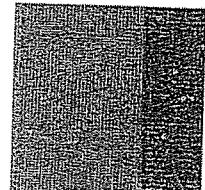
Alighiero Boetti  
Immaginando Tutto, 1982  
ball-point pen ink on paper  
2 panels; 40 x 56 11/16 Inches  
102 x 144 cm overall  
SW 02089  
Private Collection



Alighiero Boetti  
Dimenticare Il Tempo Perduto, 1982  
ball-point pen ink on paper  
40 x 112 5/8 inches  
101.5 x 286 cm  
SW 01322  
Private Collection



Alighiero Boetti  
Alighiero e Boetti, 1982  
ball-point pen ink on paper  
40 x 84 7/16 inches  
101.5 x 214.5 cm  
SW 01321  
Collection Art Institute of Chicago



Alighiero Boetti  
Simmetria Asimmetria, 1979  
ball-point pen ink on paper  
40 3/16 x 56 11/16 Inches  
102 x 144 cm  
SW 01320  
Private Collection

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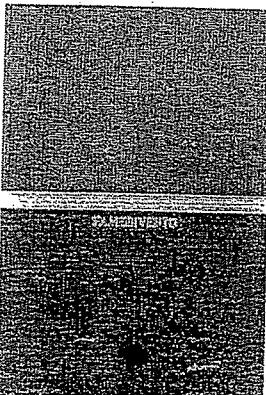
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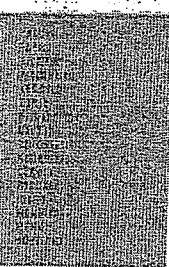
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### Alighiero Boetti: Works

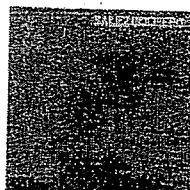


Alighiero Boetti  
Utile Dilettevole, 1983  
ball-point pen ink on paper  
40 x 56 3/16 inches  
101.5 x 143 cm  
SW 01319  
Private Collection

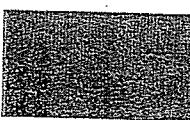


Alighiero Boetti  
Famedivento, 1988  
ball-point pen ink on paper  
27 1/2 x 39 3/8 inches  
70 x 100 cm  
SW 01315  
Private Collection

Alighiero Boetti  
Salezucchero, 1980  
ball-point pen ink on paper  
27 1/2 x 39 3/8 inches  
70 x 100 cm  
SW 01318  
Private Collection



Alighiero Boetti  
I sei sensi, 1973  
ball-point pen ink on paper mounted on canvas  
63 x 183 7/8 inches  
160 x 467 cm  
SW 01188  
Private Collection



Alighiero Boetti  
Manifesto 1967, 1970  
print on paper, edition 47/50  
44 3/4 x 31 3/8 inches  
113.7 x 79.7 cm  
SW 01119

Alighiero Boetti  
Manifesto 1967, 1970  
print on paper, edition 34/50  
44 3/4 x 31 3/8 inches  
113.7 x 79.7 cm  
SW 01118



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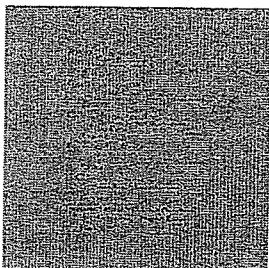
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### Alighiero Boetti: Works



Alighiero Boetti  
Calligrafia, 1971  
brass  
15 3/4 x 15 3/4 inches  
40 x 40 cm  
SW 01117  
Private Collection

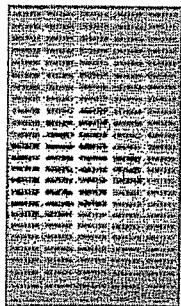


Alighiero Boetti  
Città di Torino, 1967  
photostat and pencil on mylar  
23 1/2 x 19 1/2 inches  
59.7 x 49.5 cm  
SW 01116



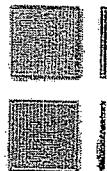
Alighiero Boetti  
16 dicembre 2040 11 luglio  
2023, 1971  
brass  
2 parts, ea: 15 3/4 x 15 3/4  
inches  
40 x 40 cm  
SW 01115  
Private Collection

Alighiero Boetti  
16 dicembre 2040 11 luglio 2023, 1971  
embroidery-on cloth  
each: 24 1/8 x 24 1/8 Inches  
61.3 x 61.3 cm  
SW 01114  
Private Collection



Alighiero Boetti  
"Untitled" - Victoria Boogie  
Woogie, 1972  
5042 envelopes, 35,280 stamps  
42 panels, each: 61 3/4 x 37 3/8  
inches  
156.8 x 94.9 cm  
(detail)  
SW 01095  
Private Collection

Alighiero Boetti  
Grigio Dover, Bleu Cannes, Rosso Gilera,  
Belge Sabbia, 1967  
enamel on cardboard  
4 parts, each: 28 x 28 Inches  
71.1 x 71.1 cm  
SW 01003  
Private Collection


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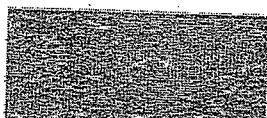
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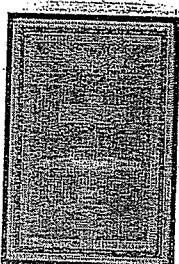
### Alighiero Boetti: Works



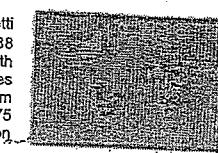
Alighiero Boetti  
Aerel, 1978  
ball-point pen ink on paper mounted on  
canvas  
55 1/8 x 118 1/8 inches  
140 x 300 cm  
SW 00352  
Private Collection



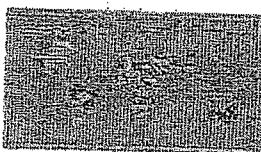
Alighiero Boetti  
Mappa del mondo, 1988  
embroidery on cloth  
45 5/8 x 83 7/8 inches  
116 x 213 cm  
SW 00320  
Private Collection



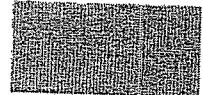
Alighiero Boetti  
Untitled, 1993 - 1994  
ink and gouache on paper mounted on  
canvas  
137 3/4 x 95 1/4 inches  
350 x 242 cm  
SW 00103  
Collection Hirshhorn Museum and  
Sculpture Garden



Alighiero Boetti  
Mappa del mondo, 1988  
embroidery on cloth  
44 3/8 x 86 3/4 inches  
112.7 x 220.3 cm  
SW 99075  
Private Collection



Alighiero Boetti  
Mappa del mondo, 1988  
embroidery on cloth  
45 x 84 inches  
114.3 x 213.4 cm  
SW 98271  
Private Collection



Alighiero Boetti  
Mettere al mondo il Mondo, 1972 -  
1973  
ball-point pen ink on paper mounted  
on canvas  
59 x 98 inches  
149.9 x 248.9 cm  
SW 97229  
Private Collection

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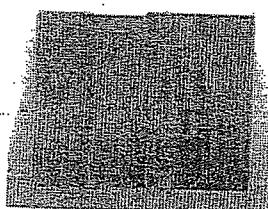
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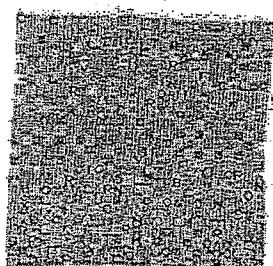
### Alighiero Boetti: Works



Alighiero Boetti  
Fregio, 1990  
ink, watercolor and collage on paper, mounted on  
linen  
40 x 79 1/2 inches  
102 x 202 cm  
SW 96211



Alighiero Boetti  
Self Portrait, 1968  
2 iron casting of the artist's signature on  
corrugated cardboard  
2 panels, ea: 39 x 23 1/2 x 1 in.  
99 x 60 x 2.54 cm  
SW 95228  
Private Collection

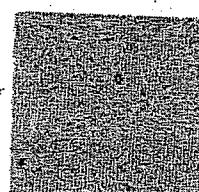


Alighiero Boetti  
Collo rotto braccia lunghe, 1989  
embroidery on muslin  
40 3/8 x 41 3/4 inches  
102.6 x 106 cm  
SW 95032  
Private Collection

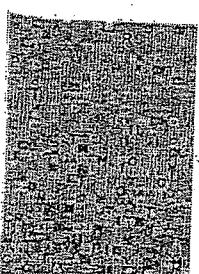
Alighiero Boetti  
Zig-Zag, 1966  
aluminum with multi-colored  
fabric  
21 3/8 x 21 3/8 x 21 3/8  
inches  
54.3 x 54.3 x 54.3 cm  
SW 95231  
Private Collection



Alighiero Boetti  
Tutto, 1988 - 1989  
embroidery on cloth  
44 1/8 x 63 1/2 inches  
112.1 x 161.3 cm  
SW 95146  
Private Collection



Alighiero Boetti  
Leggere verticali, 1989  
embroidery on muslin  
40 5/8 x 41 1/4 inches  
103.2 x 104.8 cm  
SW 95031  
Private Collection



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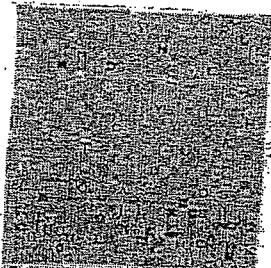
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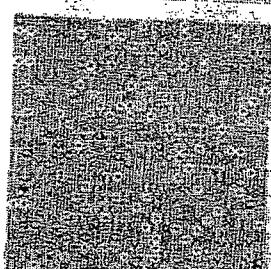
## artists

### Alighiero Boetti: Works



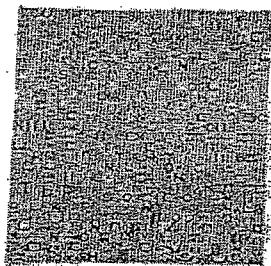
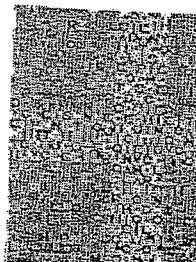
Alighiero Boetti  
Oggi il sesto giorno, 1988  
embroidery on muslin  
41 5/8 x 41 3/8 inches  
105.7 x 105.1 cm  
SW 95030  
Private Collection

Alighiero Boetti  
Alternando, 1989  
embroidery on muslin  
43 1/8 x 38 3/4 inches  
109.5 x 98.4 cm  
SW 95029  
Private Collection



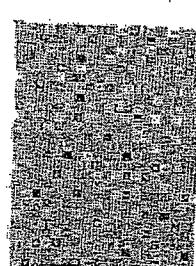
Alighiero Boetti  
Collo rotto braccia lunghe, 1988  
embroidery on muslin  
43 x 44 1/2 inches  
109.2 x 113 cm  
SW 95028  
Private Collection

Alighiero Boetti  
Lasciare il certo, 1988  
embroidery on muslin  
41 1/2 x 43 5/8 inches  
105.4 x 110.8 cm  
SW 95027  
Private Collection



Alighiero Boetti  
Le nuove autonomie, 1988  
embroidery on muslin  
41 3/4 x 43 inches  
106 x 109.2 cm  
SW 95026  
Private Collection

Alighiero Boetti  
Venticinque per 1989, 1989  
embroidery on muslin  
40 5/8 x 42 1/4 inches  
103.2 x 107.3 cm  
SW 95025  
Private Collection


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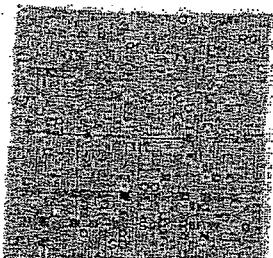
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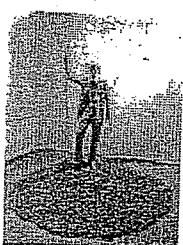
## artists

### Alighiero Boetti: Works



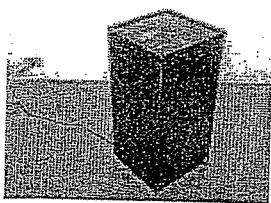
Alighiero Boetti  
Oggi undicesimo giorno, 1988  
embroidery on muslin  
40 1/2 x 42 inches  
102.9 x 106.7 cm  
SW 95024  
Private Collection

Alighiero Boetti  
Millenovecentottantotto, 1989  
embroidery on muslin  
40 1/2 x 41 1/4 Inches  
102.9 x 104.8 cm  
SW 95023  
Private Collection



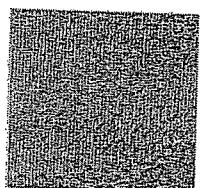
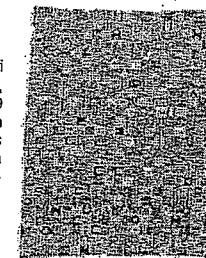
Alighiero Boetti  
Mi Fuma Il Cervello, 1993  
bronze, fountain and heating element; edition  
3/7  
height: 66 inches (168 cm)  
SW 94287  
Private Collection

Alighiero Boetti  
Mappa del mondo, 1989  
embroidery on cloth  
55 1/8 x 86 5/8 inches  
140 x 220 cm  
SW 94243  
Private Collection



Alighiero Boetti  
Lampada Annuale, 1966  
light, timer and aluminum  
30 3/4 x 15 3/4 x 15 3/4 inches  
78.1 x 40 x 40 cm  
SW 94004  
Private Collection

Alighiero Boetti  
Mimetico, 1966  
camouflage cloth  
79 1/2 x 116 Inches  
202 x 294.6 cm  
SW 94003  
Private Collection


[< previous](#)

showing 37 - 42 of 43

415 West 13 Street, New York, NY 10014  
212/999-7337 (fax) 999-7338

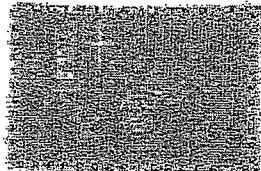
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## artists

### Alighiero Boetti: Works



Alighiero Boetti  
Mappa del Mondo, 1978  
embroidery on cloth  
36 1/2 x 52 1/2 Inches  
92.7 x 133.3 cm.  
SW 94002  
Private Collection

< previous

showing 43 of 43

415 West 13 Street, New York, NY 10014  
212/999-7337 (fax) 999-7338

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## **EXHIBIT 2**

ALLIED ROBOTICS

Symmetra Asymmetric

SYNTHETIC WORK

# ALLIGHIERO E BOETTI

Simmetria Asimmetria

SPERONE WESTWATER  
NEW YORK

## MONOCHROME BOETTI

Alighiero Boetti always liked to define himself as a painter even though he gave up oil painting and even the use of the brush at the age of 22. From then on he always "made things" with his hands (or through the intermediary of other peoples' hands). These objects were not painted but were glued, sprayed or stenciled, soaked, padded, splashed, transferred, rubbed through, stamped in ink or sealing wax, drawn, calligraphed, scribbled - you name it. Prominent among the forms that he highlighted against the background were letters and figures, words and numbers, phrases and dates - in other words, language, and linguistic meaning, which may have been more or less explicit or more or less hidden.

When he started out in 1966 in the context of what was later called Arte Povera, the three-dimensional objects he presented included monochrome placards with words that had been glued on and stood out slightly. Their meaning was often related to the chosen colour. (*Beige Sabbia*, 1967; *Bleu Cannes*, 1967; *Grigio Dover*, 1967; *Rosso Gilera*, 1967.)

In 1970 he abandoned every material other than pencil and paper (often squared paper), which was still a way to highlight selected text. He also explored the transcription of language by means of systems other than "normal" writing. There were four main ones. The first consisted of redistributing the letters of words according to their alphabetical order. Thus his own name became *ABEEGHIIILOOORTT*. Then there was the phonetic transcription of a word spelled in Italian, with "Alighiero Boetti" being written *A-ELLE-I-GL-ACCA ... etc.* There was also the evocation of words by a series of commas laid out in accordance with invisible Cartesian coordinates, one axis of which was the alphabet, the other the direction for reading (from left to right and from top to bottom), *I sei sensi*, 1973.

Finally, another mode of transcription – the fourth – consisted of placing words in a square grid, according to the medieval calligraphic tradition of the "magic square" or "carme". These might be the artist's name again, which was embroidered in black on white, or, in colour, the expression *Ordine e disordine* (Order and Disorder), which constitutes the most famous of these magic squares but does not appear in this exhibition because Boetti never rendered it in pen.

Let us come back to the two works in which the artist inscribes his identity, first name and surname (this playing with metamorphosis is somehow disturbing: is not this the temptation of the Golem?). The transition from one work to the other is essential not only because of the writing systems, but also because of the background behind the letters: in the 1970 piece it is empty, just white paper, but in the following year, the inventive leap consists in reversing the gestalt of form and ground, and writing his name in negative on a coloured ground. On the broad, blue-scribbled surface, against which the letters are left in white, the industrial ink takes on an unexpected density that is usually hidden in the normal process of writing. Boetti immediately adapted this technique of the coloured ground to his writing system based on coordinates punctuated by commas, and outside the field of language, he even adapted it as the sky behind an unlikely concentration of all kinds of aeroplanes.

Depending on the size and meaning of the texts he spatialised in this way, through the '70s and beyond Boetti might use one or several sheets of paper – up to eleven in a few cases. Eleven was one of his favorite numbers, an amazing figure he associated with the idea of the double because of its two 1's. The 11 was thus a twin entity, as was his own identity when it became Alighiero e ("and") Boetti.

Up to now, critics have tended to interpret this work as purely linguistic and conceptual and to some extent esoteric, but always as "cold". All the more so, indeed, because the artist so soon renounced gesture and the physical trace left by his own hand – let us call this "manual subjectivity". He delegated the filling and scribbling to other hands, with which he in fact preferred to avoid direct contact. Also, he always stuck to the colours available from the industrial pen, in other words, black, red and green as well as blue.

But was this a matter of pure intellectual rationality? Can it be denied that once covered in this way, the texture of the paper acquires a palpitating density, dictated by the rhythm of the gestures that mark it, caress or aggress it, sometimes to the point of tearing it, by the hand that is doing the colouring? And then the encounter of the paper's gloss with the oily ink engenders a strange silky shine, like the reddish, goldish glints in taffeta. In Boetti's ballpoint monochromes, the rhythmic undulation left by the anonymous hand hypnotises the beholder's eye as it

follows its sensual, haunting development. The mere accumulation of the banal ink reveals the intensity of its pigmentary value – and not only in the blue, even if this blue is dominant and obviously evokes another blue, another industrial material systematically shown at saturation point by another artist – Yves Klein in his blue monochromes.

Boetti was also like Klein, whom he considered a master, in that he did not sacrifice meditative thought (other times and places) to speculative thought (present time). He did not sacrifice the quest for beauty. Boetti remains a very modern “iconoclastic deconstructor”, ready to take risks, as Germano Celant wrote of him, and he keeps faith with Duchamp’s “beauty of indifference” (excluding artistic gesture, the expressivity of a self that can always be replaced by another). Yet with his ballpoint “scribbling” he brings into focus a dazzling image-less vision, one which is conveyed through the power of words and an abstract surface.

It is true that when Boetti spoke directly, in his interviews or written declarations, his voice was so understated, so reserved and ironic, that it hardly encouraged ontological interpretations of his work. Still, more attention should have been paid to his (very explicit) distrust of that puritanical brand of Anglo-American conceptualism which is impervious to the pleasures of beauty. It is time to recognise and attend to the aesthetic and spiritual scope of his own “conceptual” work.

Boetti’s “manner” in his ballpoint monochromes marks an innovative conceptual aesthetic but also belongs to a spiritual tradition, that of immersion in cosmic meditation. Here “images” of heavenly constellations and cellular magma rise up in the blue, black or red mass, but do so quite independently of figurative or allegorical representation. Is the same not true of Klein’s *Cosmogonies*, of Lucio Fontana’s *La fine di Dio*, or of the emanation of the divine in the created world as conveyed in Anselm Kiefer’s *Tikkoun*? The link between “image” and text (whether written as part of the work or evoked by its title) is no longer a matter of iconography. And this new spiritual dimension goes well beyond the exploration of primary artistic materials and minimalist gestures (in other words, beyond industrial pigment and rain for Klein, terracotta and punch for Fontana, lead sheet and clay vases for Kiefer, and for Boetti, ink scribbling by other people’s automatisms).

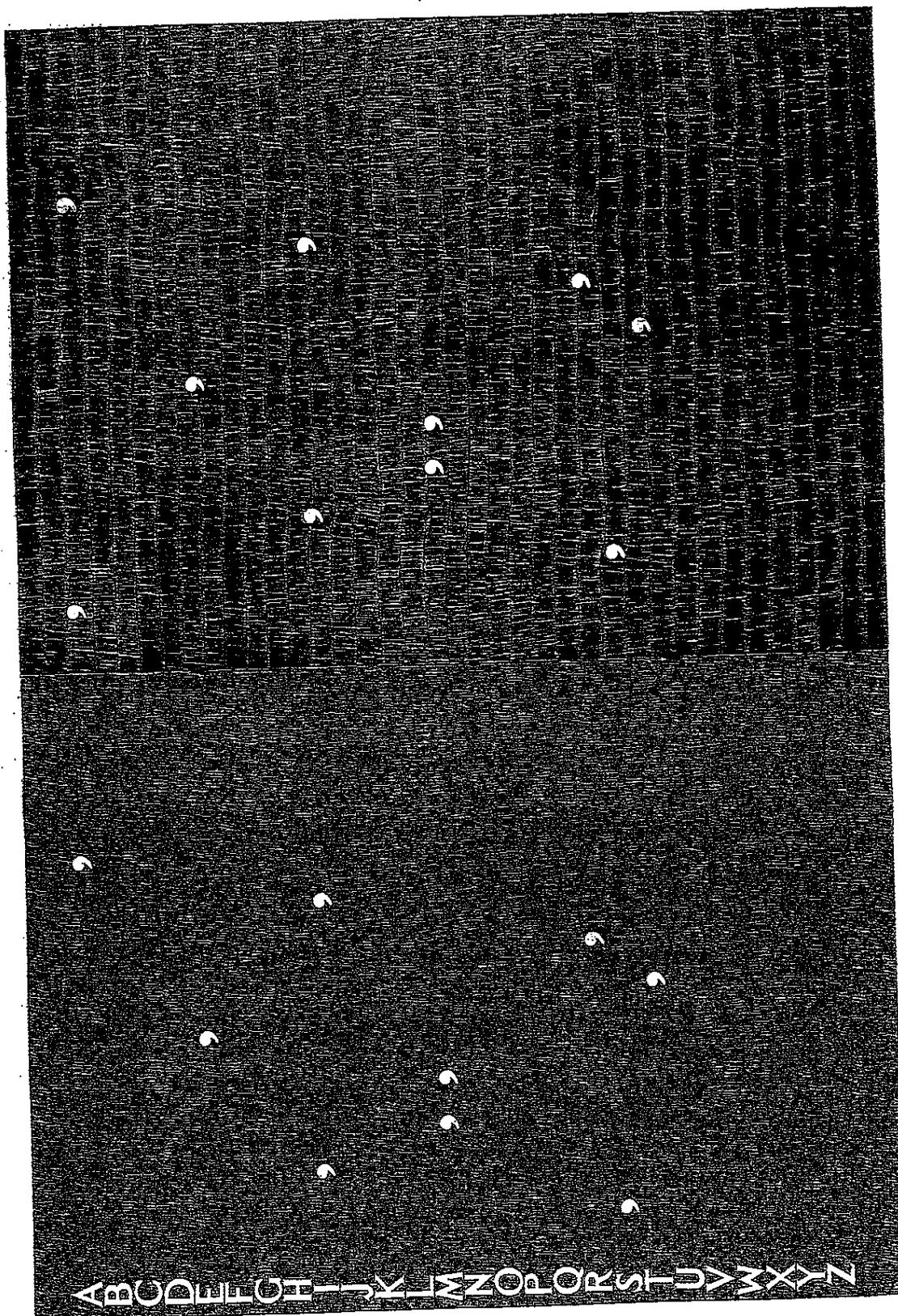
When speaking of Alighiero Boetti a few years ago, I suggested the term "imaginal visibility", as used by Henry Corbin to describe spiritual experience in Iranian Sufism, (this visionary capacity, which produces non-sensorial images, and quite free of mimesis, is perfectly applicable to the artists I mention here, from Klein to Kiefer), and I added that in 1991 Boetti himself had explained what this "imaginal" visibility or "third dimension" might be (that is to say, in his terms, beyond the two dimensions of "first intentionality" and "degree of beauty"): "The third one," he said, "is the most hidden dimension and the hardest to explain. It is as if I wrote a word in black on white paper: usually, you see the inscription in black, whereas in the third dimension you can see the white instead, the white shape defined by and around the black inscription, and it signifies something that in normal circumstances you cannot grasp."

ANNEMARIE SAUZEAU BOETTI

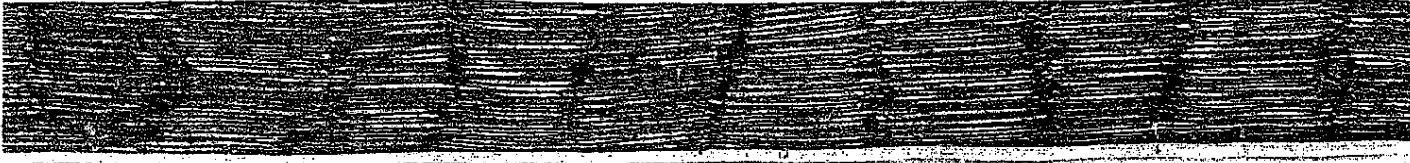
AB

A  
B

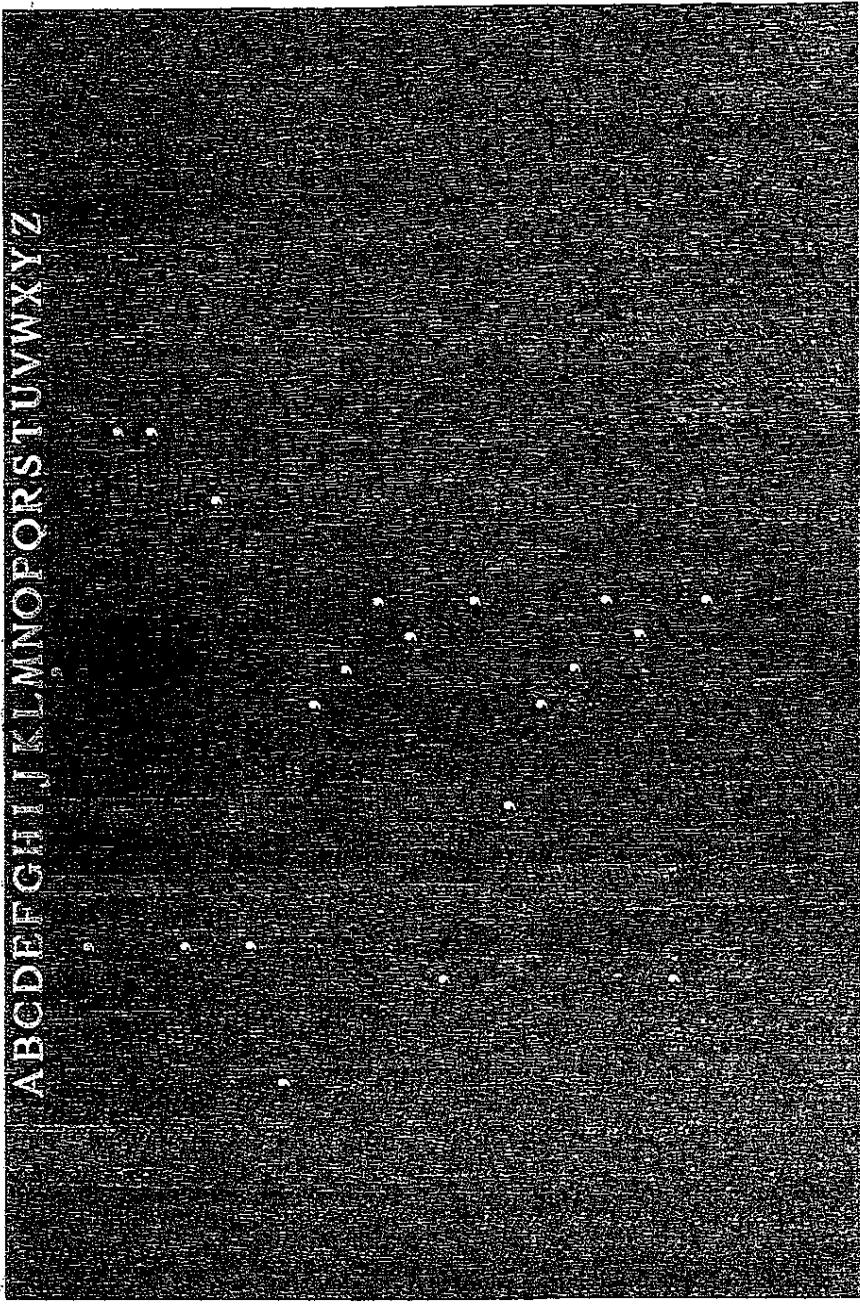




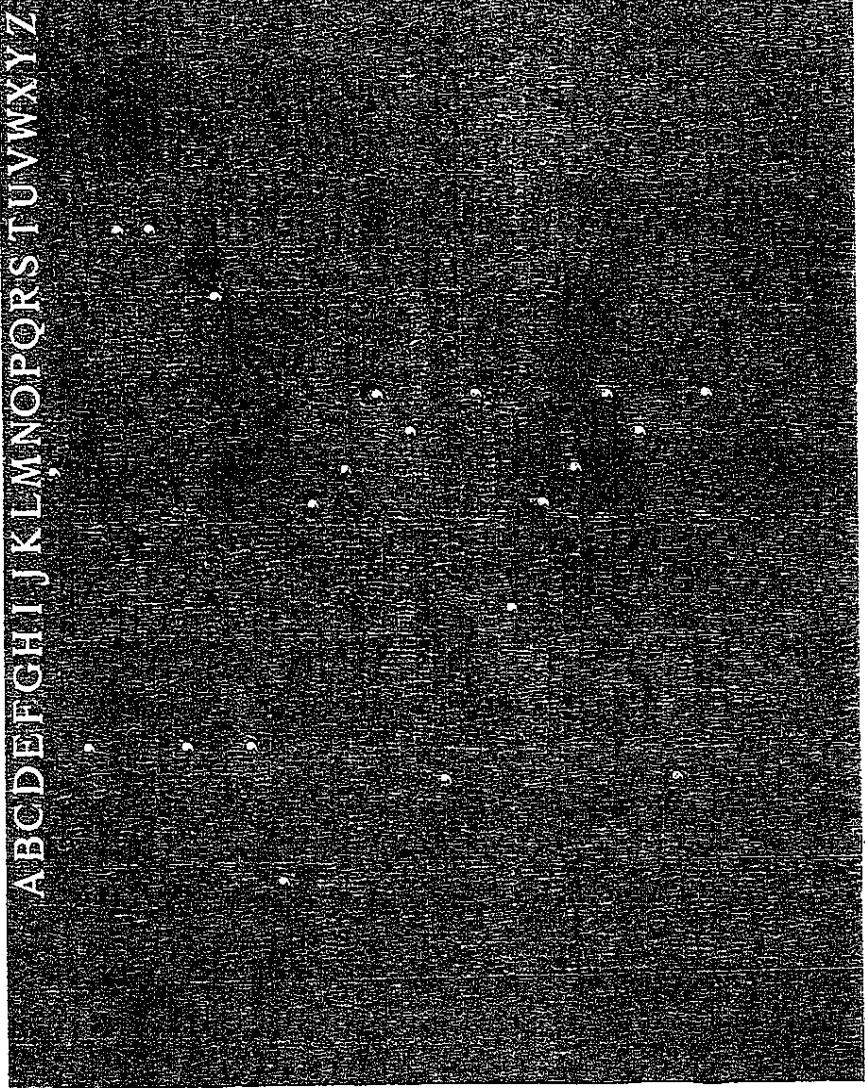
Mettere al Mondo il Mondo



A B C D E F G H I J K L M N O P Q R S T U V W X Y Z



A B C D E F G H I J K L M N O P Q R S T U V W X Y Z



AELLEIGGIACCAIEERREOEBIOETITHI

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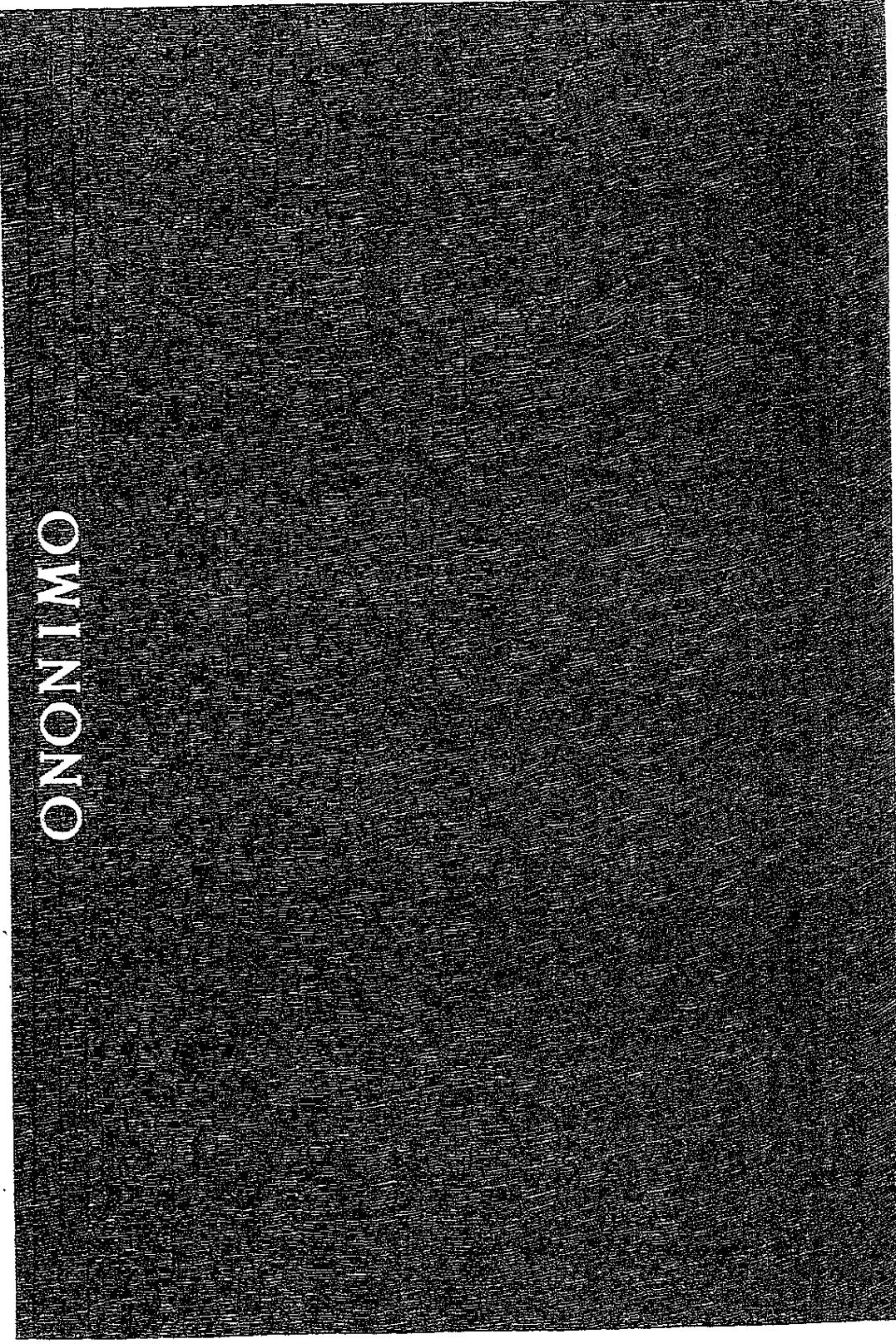


NONONIMO

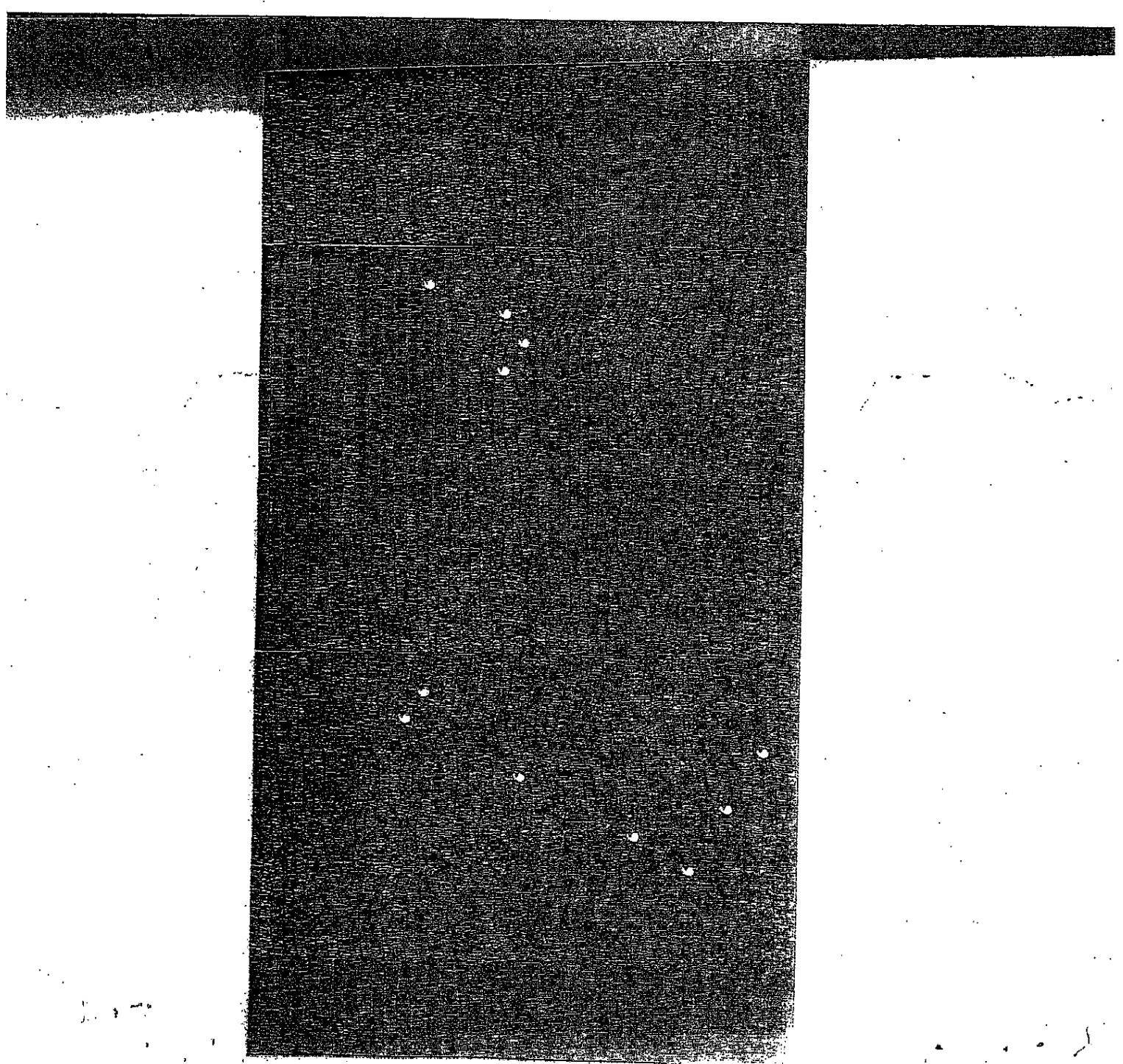
*Onorino*

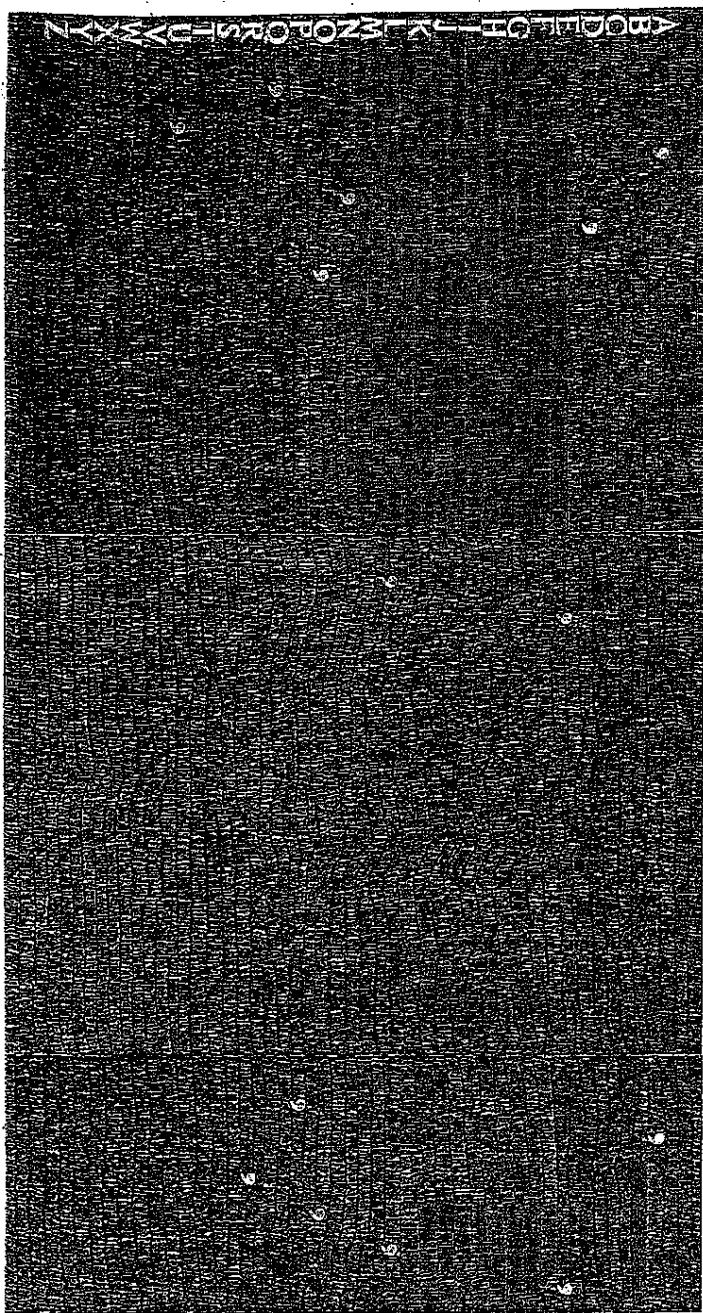


ONONIMO



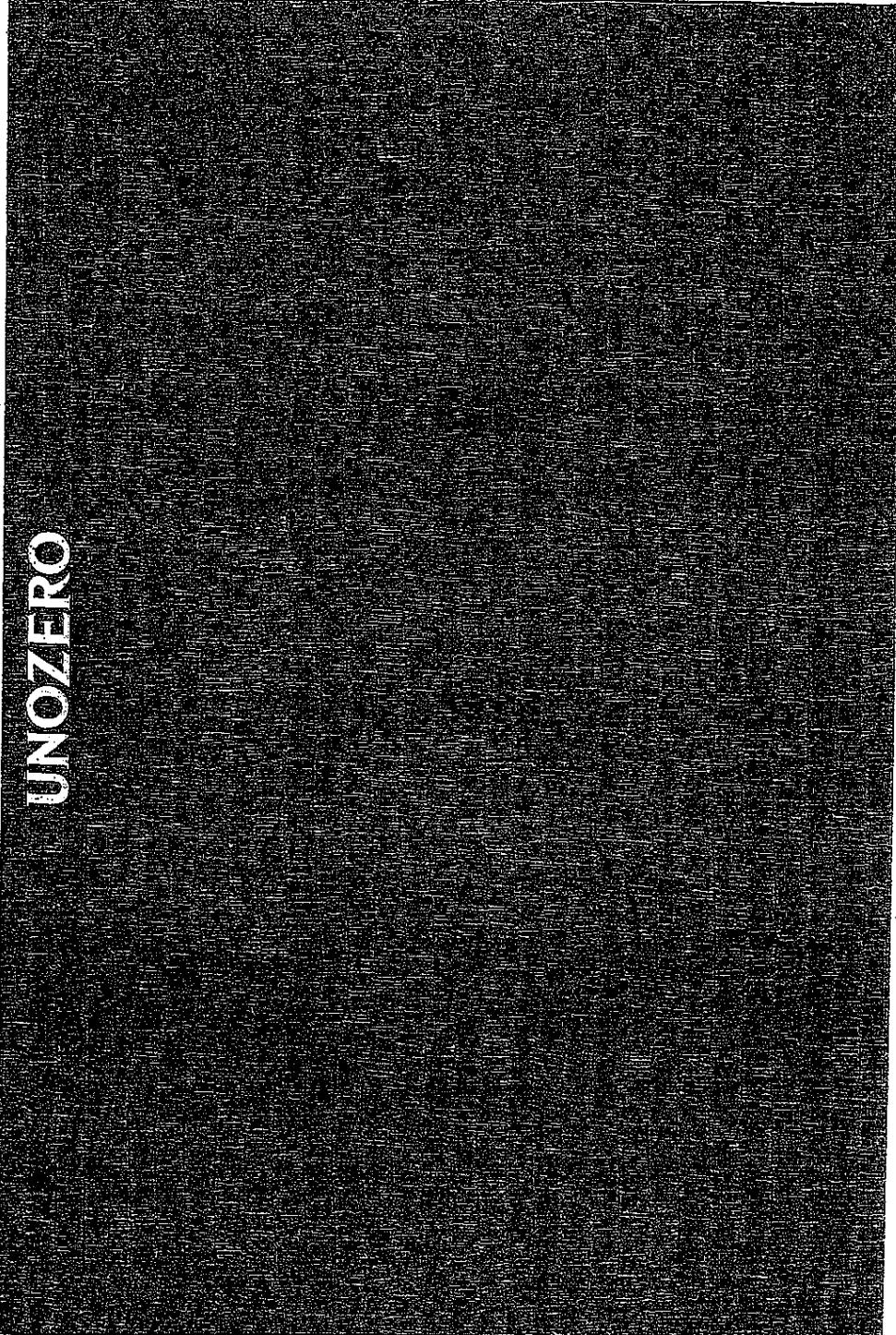
*Quando le Parole Sono Stanche*





Unozero

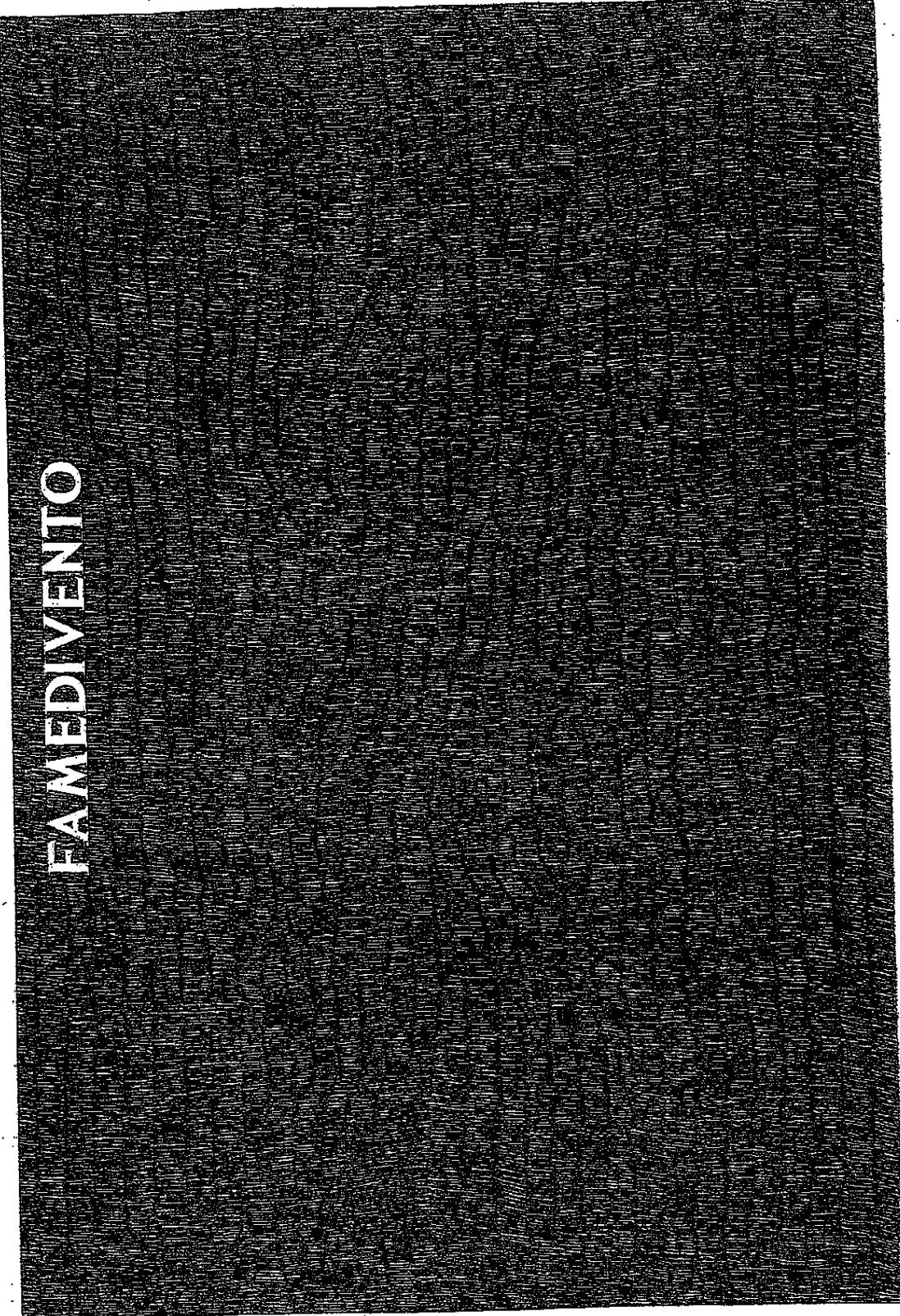
UNOZERO



*Salezuchero*



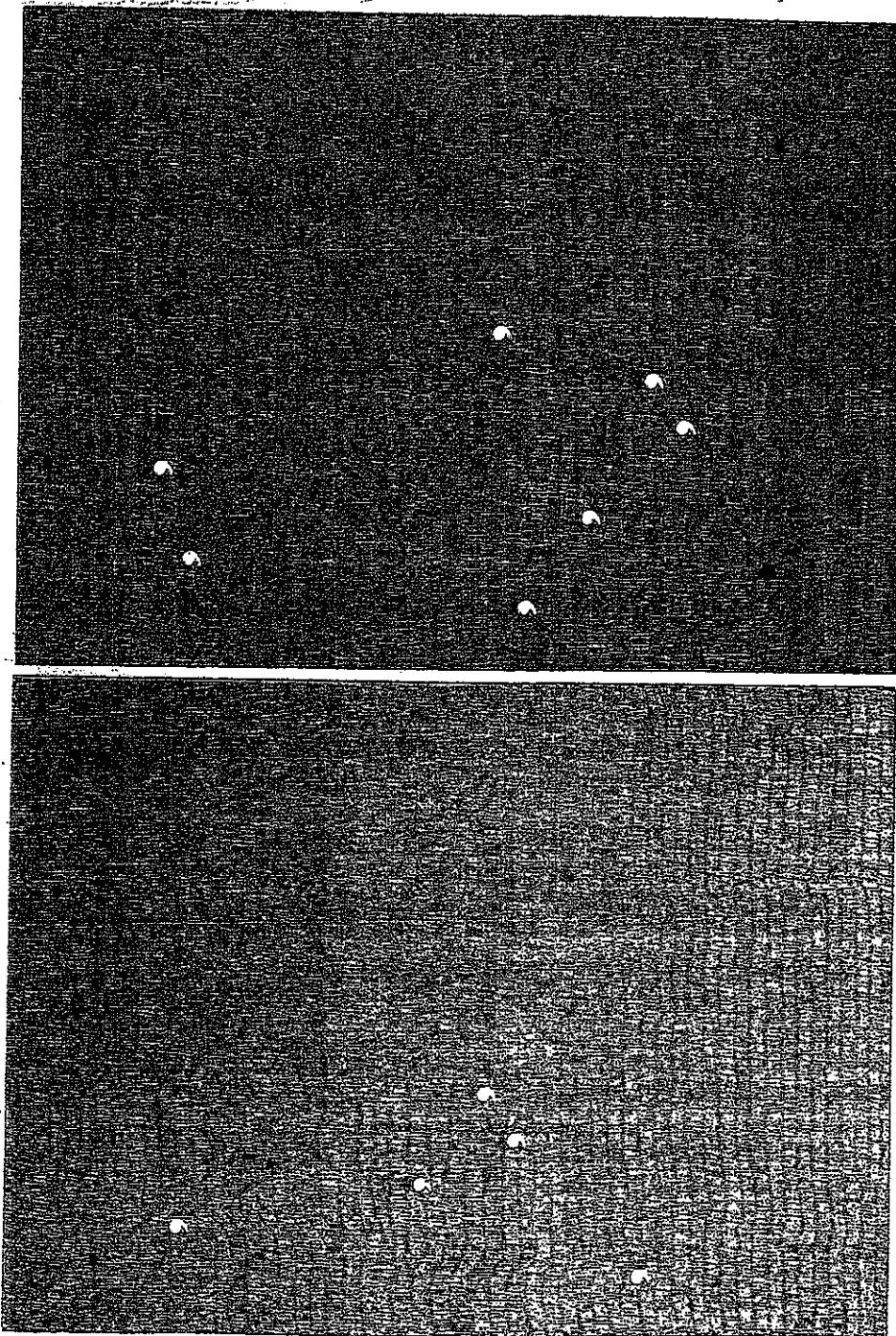
FAMEDIVENTO

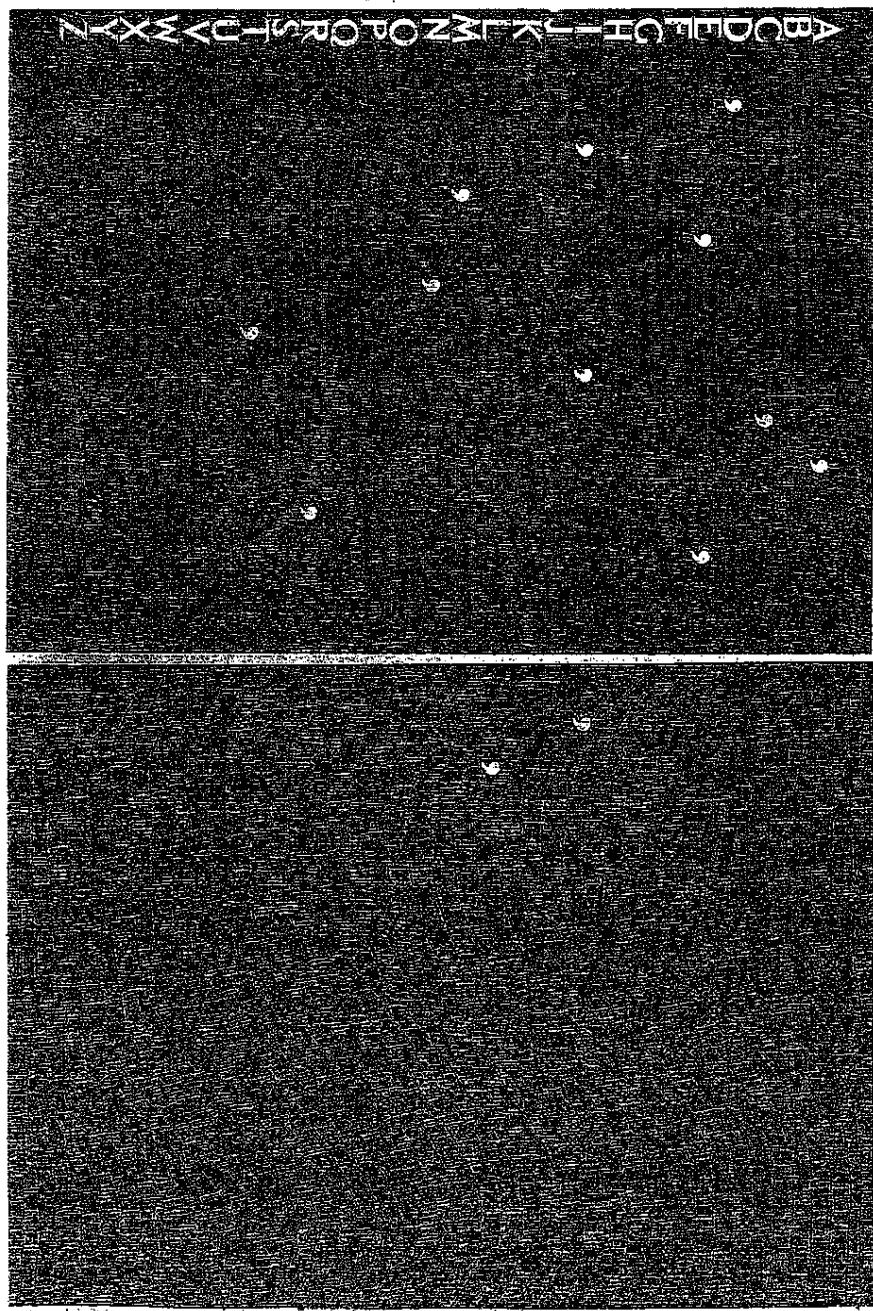


*Dimenticare il Tempo Perduto*

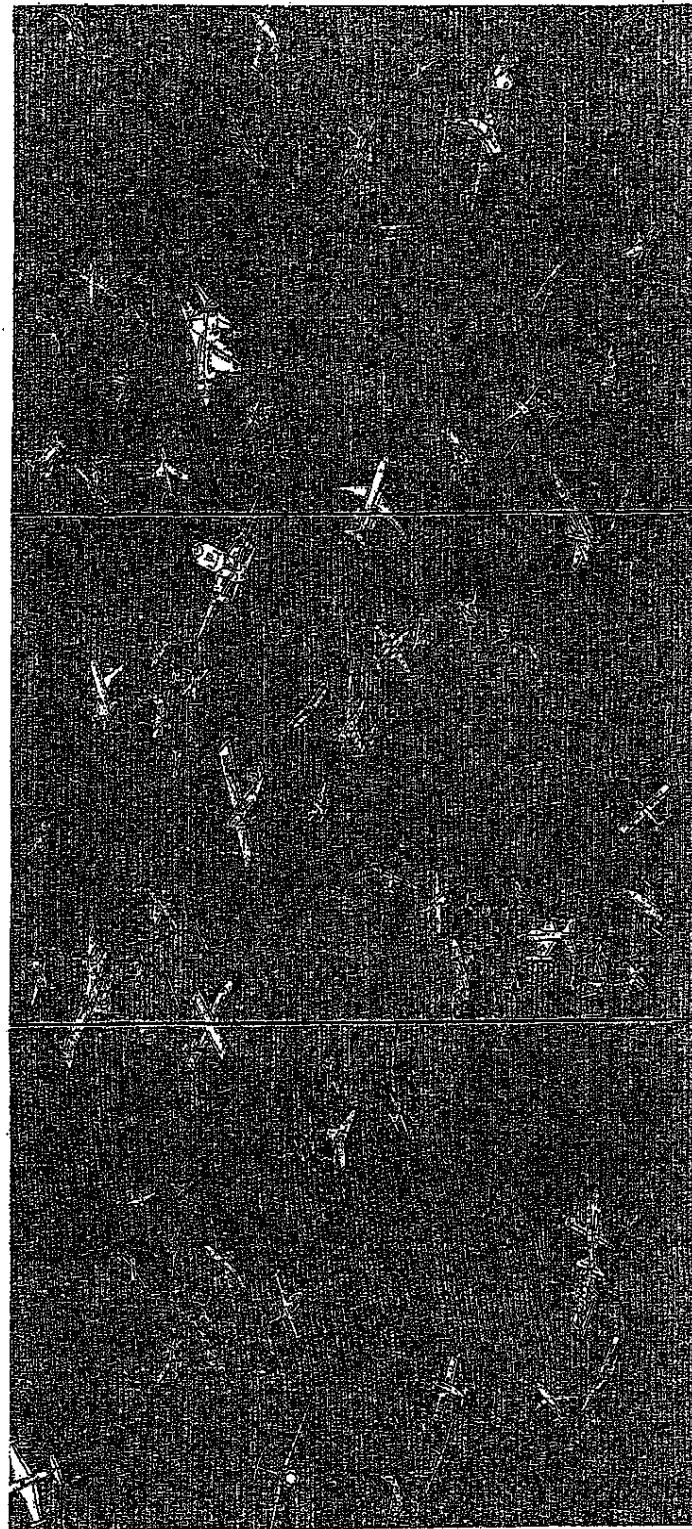
SALEZUCCIERO

*Famedivento*





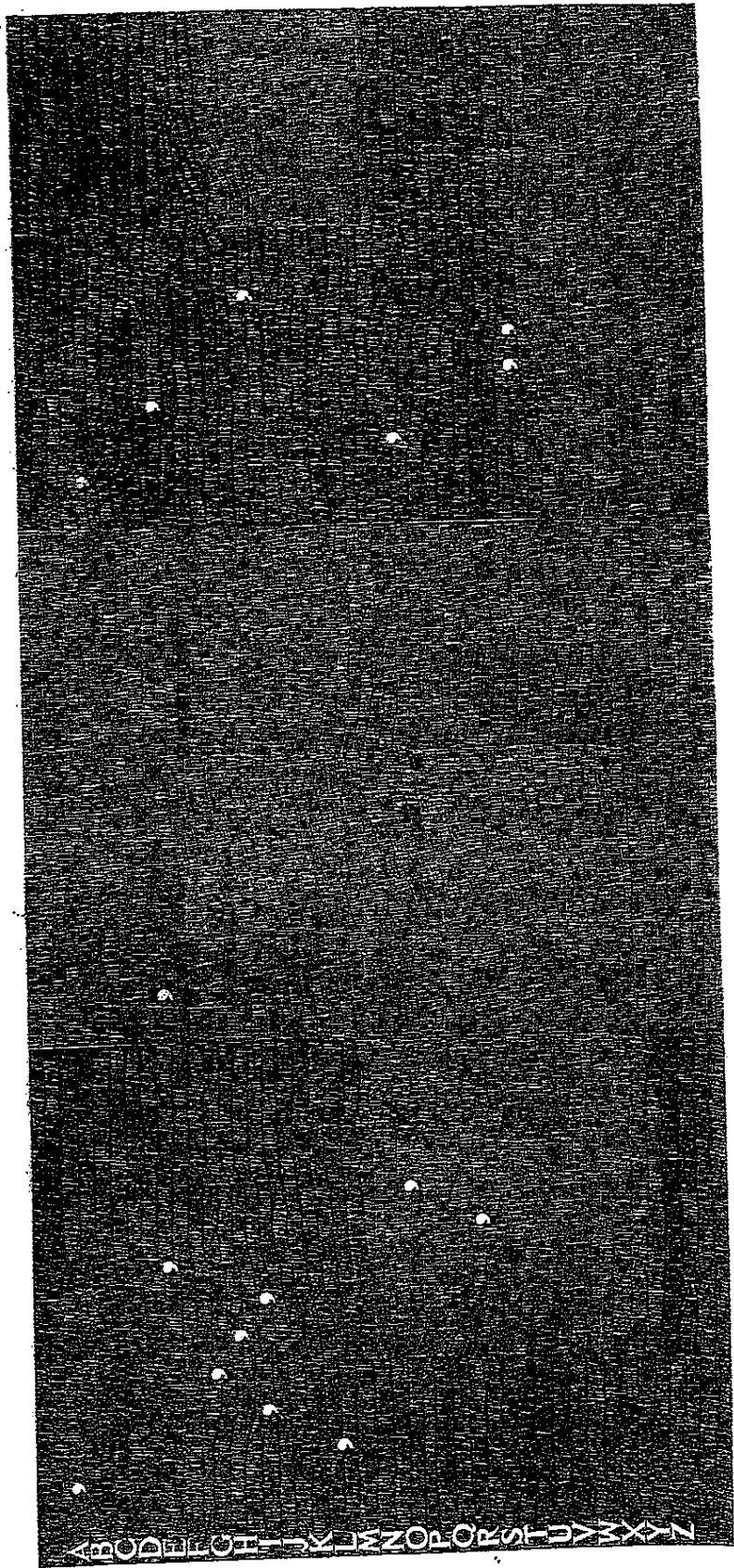




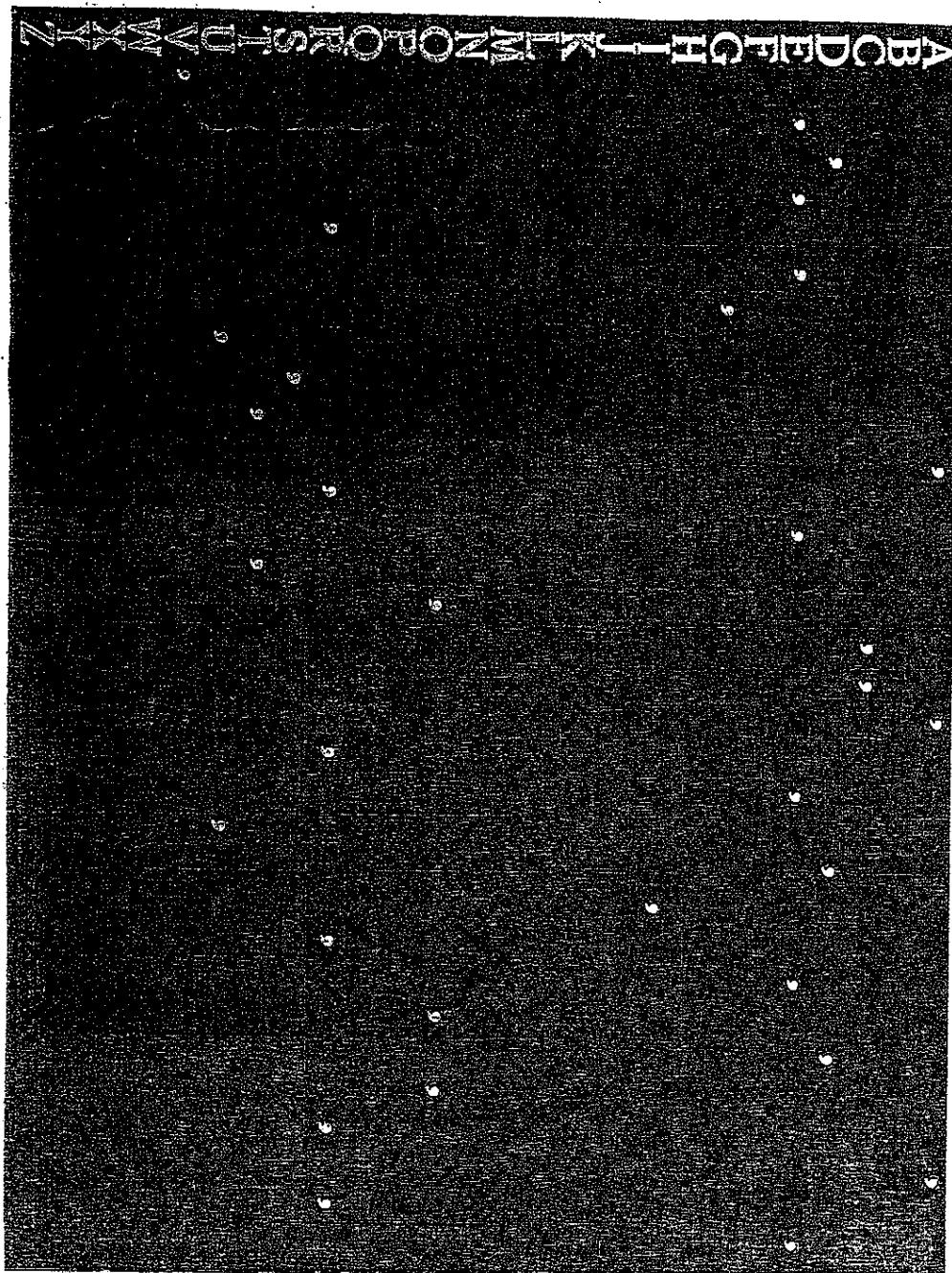
*Utile Dilettivo*

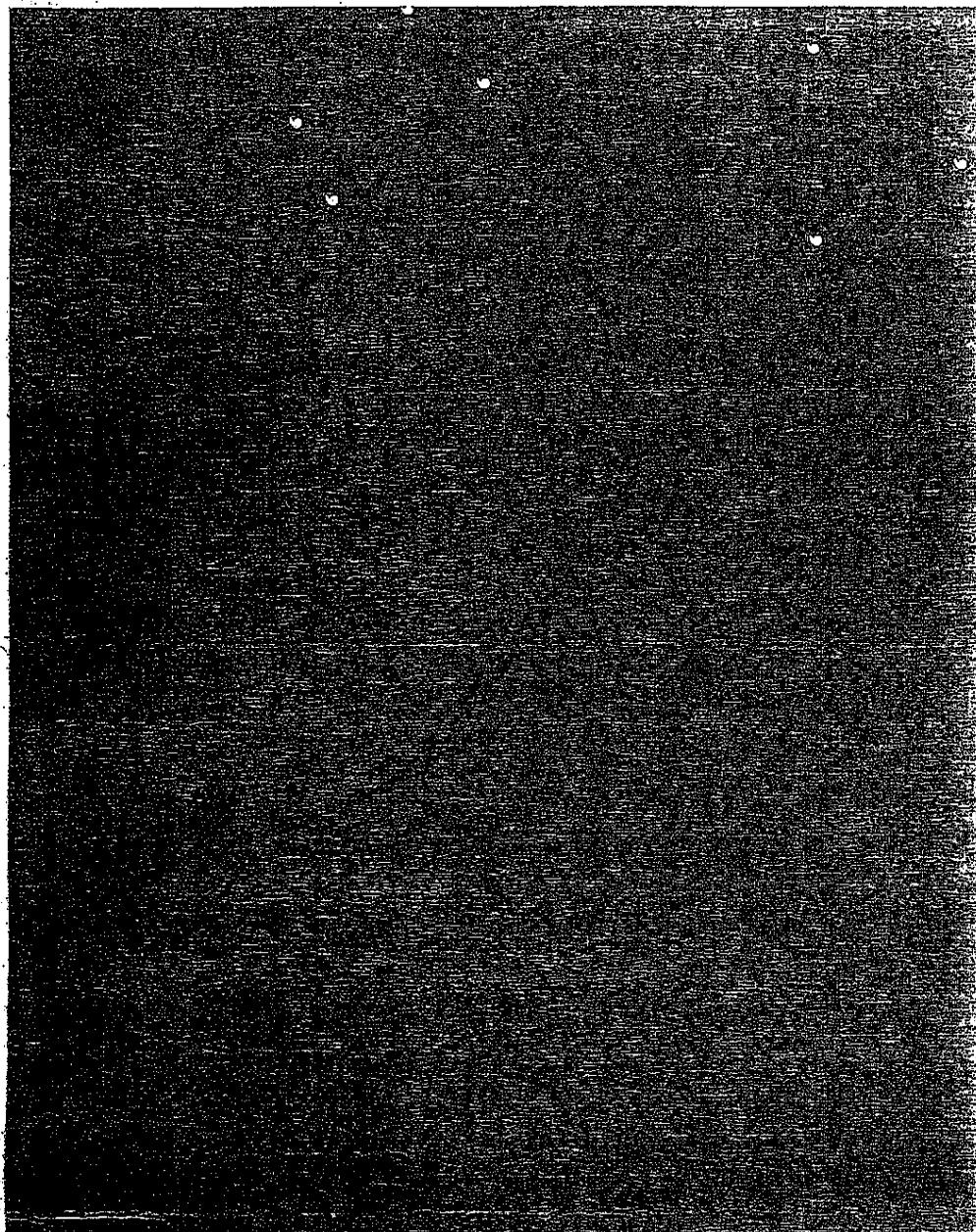


*Alighiero e Boetti*



*I See Sensi*





X

LIST OF ILLUSTRATIONS

X

AB  
ball-point pen on paper  
18 1/2 x 26 3/4 inches (47 x 68 cms.)

• *Simmetria Asimmetria* 1979  
ball-point pen on paper mounted on canvas  
two panels, overall size: 40 3/16 x 56 11/16 inches (102 x 144 cms.)

*Mettere al Mondo il Mondo* 1972-73  
ball-point pen on paper mounted on canvas  
two panels, each: 59 x 98 inches (150 x 249 cms.)

• *AELLEGIA CACCIA E RIBETTO* 1983  
ball-point pen on paper mounted on canvas  
28 1/8 x 40 inches (71,5 x 101,5 cms.)

*Onomimo* 1973  
ball-point pen on paper  
27 9/16 x 39 3/8 inches (70 x 100 cms.)

*Onomimo* 1973  
ball-point pen on paper  
27 9/16 x 39 3/8 inches (70 x 100 cms.)

• *Quando le Parole Sono Stanche* 1982  
ball-point pen on paper mounted on canvas  
five panels, overall size: 40 x 140 3/4 inches (101,5 x 357,5 cms.)

*Urnozero* 1980  
ball-point pen on paper mounted on canvas  
28 1/8 x 40 inches (71,5 x 101,5 cms.)

- *Salezzuccherò* 1988  
ball-point pen on paper mounted on canvas  
 $28\frac{1}{8} \times 40$  inches ( $71,5 \times 101,5$  cms.)
- *Famedivento* 1980  
ball-point pen on paper mounted on canvas  
 $28\frac{1}{8} \times 40$  inches ( $71,5 \times 101,5$  cms.)
- *Dimenticare il Tempo Perduto* 1982  
ball-point pen on paper mounted on canvas  
four panel, overall size:  $40 \times 112\frac{5}{8}$  inches ( $101,5 \times 286$  cms.)
- *Aerì* 1983  
ball-point pen on paper mounted on canvas  
three panels, overall size:  $19\frac{11}{16} \times 41$  inches ( $50 \times 104$  cms.)
- *Utile Dilettavole* 1983  
ball-point pen on paper mounted on canvas  
two panels, overall size:  $40 \times 56\frac{3}{16}$  inches ( $101,5 \times 143$  cms.)
- *Alighiero e Boetti* 1982  
ball-point pen on paper mounted on canvas  
two panels, overall size:  $40 \times 84\frac{7}{16}$  inches ( $101,5 \times 214,5$  cms.)
- *I Sei Sensi* 1973  
ball-point pen on paper mounted on canvas  
 $63 \times 183\frac{7}{8}$  inches ( $160 \times 467$  cms.)

Published on the occasion of the exhibition  
at Sperone Westwater  
"Simmetria Asimmetria"  
January 10 - March 2, 2002

Publication © 2002 Sperone Westwater, New York

Text © 2000, 2002 Annemarie Sauzeau Boetti,  
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photographs:  
Giuseppe Schiavonotto, Paolo Vandash

Fotolito: Zincoclassica Roma

Printed in Roma by Tipografia Olivieri  
December 2001

## **EXHIBIT 3**

ARCHIVIO ALIGHIERO BOETTI

Cortese Attenzione  
Giorgio Bassi  
Via Visconti di Mondrone, 33  
20122 Milano

Roma, 08 giugno 2004

Gentile Signor Bassi,

Il giorno 29 maggio 2004 abbiamo preso visione dell'opera

*Uno zero*  
Biro blu su carta intelata  
cm 71,5 x 101

sia su materiale fotografico da Lei fornito, sia esaminando direttamente l'opera.

Dall'esito dell'esame dell'opera, il Comitato di Perizia dell'Archivio Alighiero Boetti dichiara che sulla base dei riscontri fattuali non ci sono sufficienti elementi per archiviare la stessa. Troverà allegata alla presente lettera la riproduzione fotografica dell'opera recante il timbro sul retro attestante la non attribuibilità della stessa al Maestro Alighiero Boetti.

Atteso il nostro giudizio in termini della non riferibilità dell'opera da lei posseduta, la invitiamo ad astenersi dall'esporla pubblicamente e commercializzarla come opera di Alighiero Boetti, informandola che in difetto si esporrebbe alle iniziative, anche in sede penale, che dovremmo assumere nostro malgrado per tutelare l'immagine dell'artista.

Rimaniamo a sua completa disposizione nella speranza che possa attivarsi un efficace scambio di informazioni utile a lei e, certamente, a questo Archivio.

I migliori saluti,

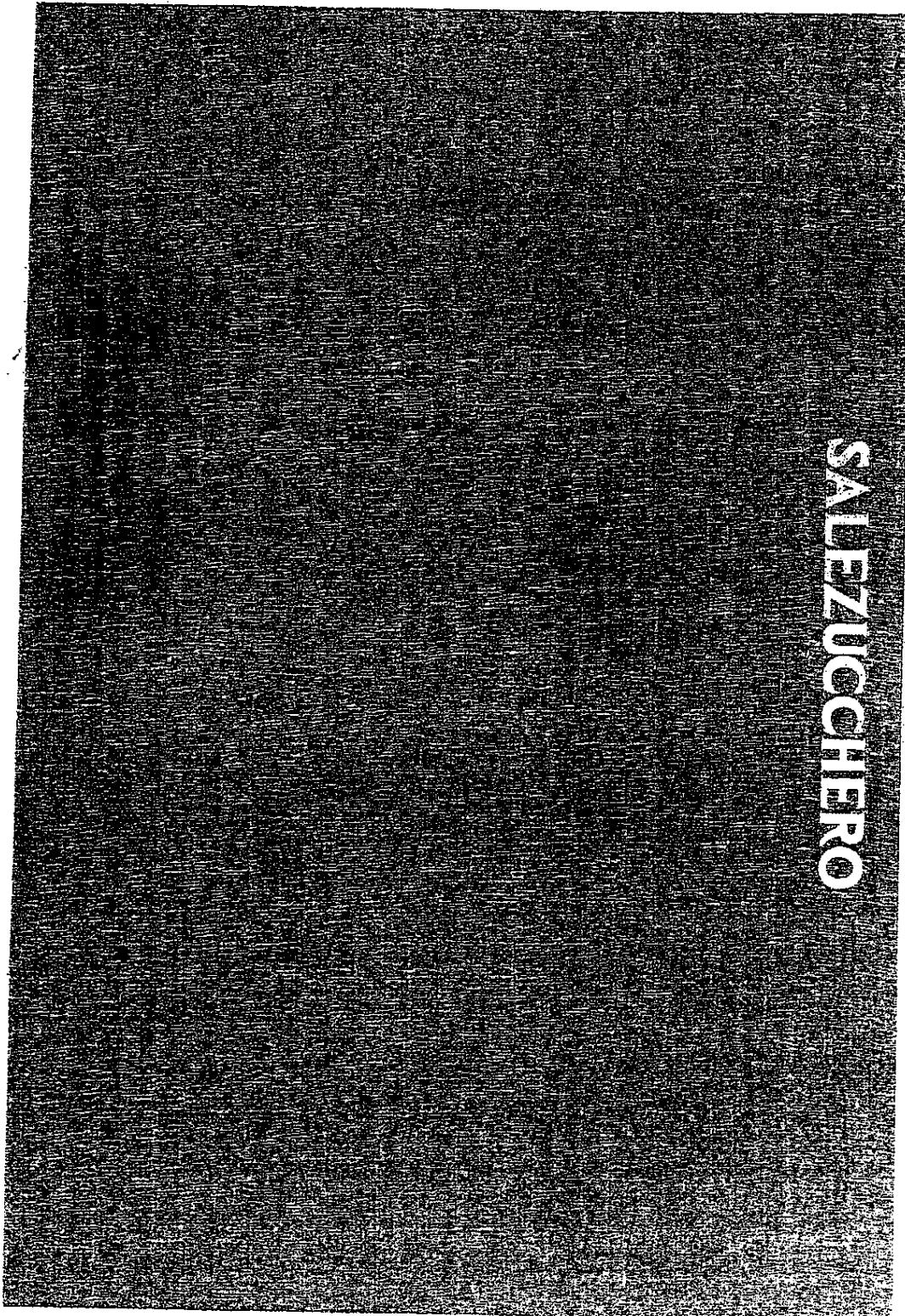
Matteo Boetti  
(per il Comitato Direttivo)

VICOLO DELLA PENITENZA 17 ROMA 00165 TEL. E FAX 39 6 6871596

e-mail: archivio.boetti@tiscali.it

P. IVA 05914901003

# **EXHIBIT 4**



7-207

L'opera qui riprodotta ed esaminata dall'Archivio Alighiero Boetti  
non è attribuita né attribuibile al Maestro Alighiero Boetti.

Archivio Alighiero Boetti

Matteo Boetti  
(per il comitato direttivo)



# **EXHIBIT 5**

doc. 5

ARCHIVIO ALIGHIERO BOETTI

Cortese Attenzione  
Jonathan Laib  
Christie's  
Post War & Contemporary Art  
20 Rockefeller Plaza  
10020 New York

Roma, 8 marzo 2006

Gentile Signor Laib,

Il giorno 6 marzo 2006 abbiamo preso visione dell'opera

*Salezucchero*,  
Penna biro blu su cartoncino  
cm 71,4 x 101,6

sia su materiale fotografico da Lei fornito, sia esaminando direttamente l'opera.

Dall'esito dell'esame dell'opera, il Comitato di Perizia dell'Archivio Alighiero Boetti ritiene che sulla base dei riscontri fattuali non ci sono sufficienti elementi per archiviare la stessa.

Troverà allegata alla presente lettera la riproduzione fotografica dell'opera recante il timbro sul retro attestante il parere di non attribuibilità della stessa al Maestro Alighiero Boetti.

Atteso il nostro giudizio in termini di non riferibilità al Maestro dell'opera da lei posseduta, la invitiamo ad astenersi dall'esporla pubblicamente e commercializzarla come opera di Alighiero Boetti, dovendoci riservare in difetto le opportune iniziative, che sono inevitabili per tutelare l'opera e l'immagine dell'artista.

Rimaniamo a sua completa disposizione nella speranza che possa attivarsi un efficace scambio di informazioni utile a Lei e, certamente, a questo Archivio.

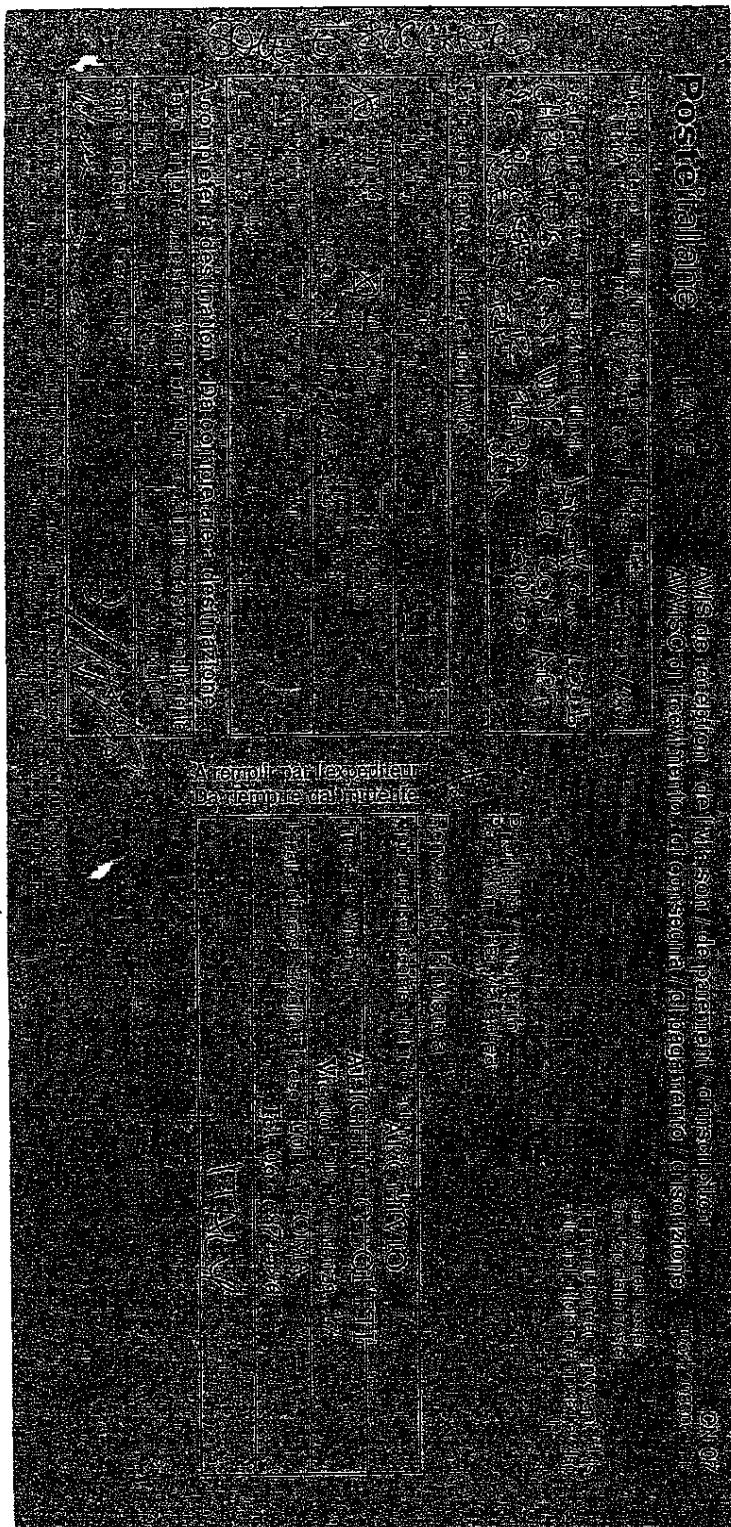
I migliori saluti,

Matteo Boetti  
(per il comitato direttivo)

VICODO DELLA PENITENZA 17 ROMA 00165 TEL. E FAX 39 6 6871596

e-mail: archivio.boetti@tiscali.it

P. IVA 05914901003



# **EXHIBIT 6**

doc-6

Spettabile  
Archivio Alighiero Boetti  
Vicolo della Penitenza 17  
00165 Roma

Il sottoscritto



CHRISTIE'S (INT.) S. A.

Filiale Italiana

Residente a

00186 ROMA - Piazza Navona, 114  
Part. IVA 00951491000

Via

richiede l'inserimento nell'Archivio Alighiero Boetti della seguente opera:

Titolo: SALE ZUCCHERO

Anno (specificare se riportato sul davanti o sul retro dell'opera):

Tecnica: INCHIOSTRO SU CARTA

Dimensioni in cm. (precede l'altezza): 71,4 X 401,6

Nome, indirizzo, numero telefonico e di fax del richiedente:

Nome, indirizzo, numero telefonico e di fax del proprietario, se diverso dal richiedente:

Il sottoscritto dichiara di aver preso conoscenza delle seguenti condizioni e di acettarle integralmente:

1. Il richiedente prende atto che, al fine dell'esame dell'eventuale inserimento nell'archivio delle opere di Alighiero Boetti e del rilascio della certificazione dell'opera, l'Archivio normalmente necessita della visione dell'opera che deve essere consegnata entro le ore 13,00 del giorno di visione e ritirata entro 24/48 ore dal momento della consegna.
2. Nel caso l'Archivio necessitasse di un periodo più lungo per portare a termine le suddette operazioni, quest'ultimo potrà trattenere l'opera, restando ferme tutte le condizioni generali che regolano il presente accordo. In quest'ultimo caso, tuttavia, il richiedente potrà in ogni momento richiedere la restituzione dell'opera, rinunciando comunque ad ogni pretesa od azione nei confronti dell'Archivio per l'eventuale ritardo nell'attribuibilità e/o inserimento nel citato archivio.
3. Il richiedente dichiara di aver stipulato idonea copertura assicurativa che garantisce l'opera contro tutti i rischi derivati da furto, smarrimento, danneggiamento e/o distruzione della stessa ed esprime la più ampia manleva in favore dell'Archivio Alighiero Boetti garantendo lo stesso da pretesa di eventuali terzi cessionari dell'opera oggetto della richiesta di archiviazione, in ordine a contestazioni che insorgessero sull'attribuzione.

4. Il richiedente dichiara di esonerare l'Archivio da ogni responsabilità di furto, smarrimento, danneggiamento, distruzione o qualsiasi altro fatto lesivo dell'opera dipendenti da colpa lieve dell'Archivio o di persone che operano in esso.

5. Il richiedente si impegna a ritirare l'opera entro 48 ore dalla scadenza del tempo indicato ai paragrafi nn. 1 e 2 (cfr. *supra*).

6. L'opera sarà inserita nel citato archivio ed in relazione ad essa verrà rilasciata dichiarazione di attribuibilità solo in caso di accertata indubbia autenticità della medesima. Il richiedente rinuncia quindi irrevocabilmente ad ogni e qualsiasi pretesa e/o azione nei confronti dell'Archivio in relazione al diniego di accettare l'opera nell'archivio delle opere di Alighiero Boetti e/o di rilasciare dichiarazione di autenticità.

7. Il sottoscritto richiedente dichiara di accettare l'eventuale responso in ordine alla mancata archiviazione dell'opera in oggetto. Il responso sarà comunicato dall'Archivio in forma scritta. Il sottoscritto garantisce anche per i suoi aventi causa e/o cessionari dell'opera non archiviata, manifestando l'Archivio da pretese di terzi, ai quali il sottoscritto si impegna a comunicare l'eventuale responso di mancata archiviazione.

8. Per la presa certificazione dell'opera, il richiedente si impegna a versare all'Archivio il compenso normalmente richiesto dall'Archivio stesso per questo genere di prestazione. Tale compenso dovrà essere versato prima della riunione del Comitato degli esperti e successivamente a detto versamento l'Archivio rilascerà l'autentica o il certificato di mancata autenticazione. In merito al compenso, il richiedente dichiara di essere a conoscenza del relativo ammontare al momento della firma del presente documento.

Per qualsiasi controversia che dovesse insorgere in relazione alla interpretazione e/o esecuzione del presente accordo, sarà competente in via esclusiva il Foro di Roma.

Roma, 6.3.06

*Il richiedente*  
**CHRISTIE'S INC. S.p.A.**  
 Filiale Italiana  
 00186 ROMA - P.zza Navona, 116  
 Part. IV-A 06051491000

Ai sensi e per gli effetti di cui agli articoli 1341 CC si dichiara di conoscere e approvare specificatamente le clausole 1, 3, 5 e 7 (accettazione responso, garanzia e malleva) del suesteo accordo.

*Il richiedente*  
**CHRISTIE'S INC. S.p.A.**  
 Filiale Italiana  
 00186 ROMA - P.zza Navona, 116  
 Part. IV-A 06051491000

L'Archivio consegna una copia del presente modulo debitamente firmata da un proprio rappresentante al fine di confermare l'avvenuto ricevimento dell'opera summenzionata e del materiale fotografico sopra descritto.

Roma,

Archivio Alighiero Boetti

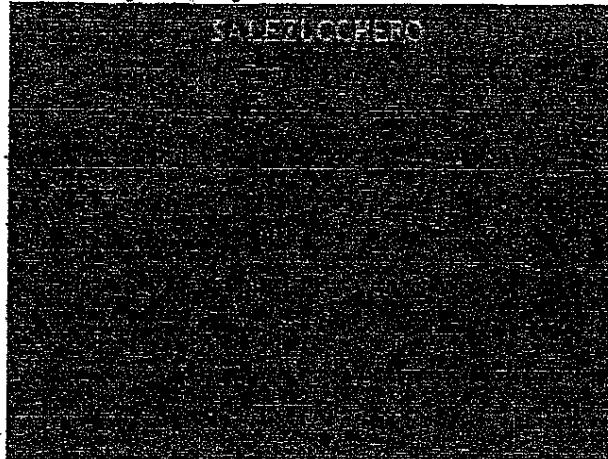
# **EXHIBIT 7**

[Log In >](#) [View Account >](#)

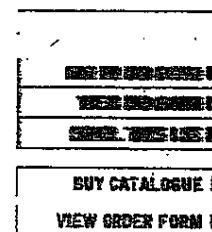
# CHRISTIE'S

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doc. 7



## CONTEMPORARY ART

New York, Rockefeller Plaza Mar 16, 2006

145 1637

Alighiero e Boetti (1940-1994)

Salezucchero

20,000 - 30,000 U.S. dollars

Alighiero e Boetti (1940-1994)  
Salezucchero  
signed 'alighiero e boetti' (on the reverse)  
ink on paper  
28 1/8 x 40 in. (71.4 x 101.6 cm.)  
Drawn in 1988.

Catellani, Modena  
Luciano Pistoia, Italy  
Rosangela Cockrane  
Sperone Westwater, New York  
Acquired from the above by the present owner

Providence; Brown University, List Art Center, David Winton Bell  
Gallery, *Toward Uncertainty*, November-December 2001,  
New York, Sperone Westwater Gallery, *Simmetria Assimetria*,  
January-March 2002 (illustrated).

[IMPORTANT NOTICE](#) [Conditions of Sale/Business For This Sale](#)[PREVIOUS LOT IN THIS SALE](#) [NEXT LOT IN THIS SALE >](#) Result 143 of 293 [VIEW ALL LOTS IN THIS SALE >](#)[Back to Home](#) | [Site Map](#)[Terms & Conditions](#) | [Privacy Policy](#) | [Security](#)

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# **EXHIBIT 8**

doc 8

ARCHIVIO ALIGHIERO BOETTI

Alla cortese attenzione della Signora Mariolina Bassetti  
Christie's  
Palazzo Massimo Lancillotti  
Piazza Navona 114  
00186 Roma  
Fax: 06 6863335

Roma, 23 aprile 2001

Gentile Signora Bassetti,

il giorno 18 aprile 2001 abbiamo preso visione dell'opera

AELLEIGIACCAIEERROEBIOETITII  
Biro blu su carta intelata  
70 x 100 cm

al fine di verificare l'autenticità della stessa.

L'opera appare in linea di massima rispondente alle regole generali stabilite dall'artista per la realizzazione dei ricami.

Tuttavia esistono alcune discordanze in base ai nostri parametri tecnici di valutazione e rispetto ad altre opere simili a noi note.

Ci riserviamo un giudizio definitivo dopo aver svolto confronti più approfonditi con altri biro realizzati nel medesimo periodo e/o riportanti la medesima frase.

Distinti saluti,

Matteo Boetti  
Presidente

Archivio Alighiero Boetti

# **EXHIBIT 9**

doc. 9

Rome, 31 March 2006

Spetone Westwater  
415 West 13 Street  
New York, NY 10014

Kind attention: Angela Westwater

Subject: "The Six Senses" attributed to Alighiero Boetti.  
Certificate n. 3781 dated 19 Mar. 2004

Dear Sirs,

We refer to the most recent scientific research and inquiry into the "biro" works by Alighiero Boetti. We also refer to the episodes of counterfeited works and to information which has recently become available regarding the origin and circulation of the works. Having regard to these new factors, we are writing to kindly request you to make available for further examination, at our Rome offices in Vicolo della Penitenza, the work entitled "The Six Senses"; for which we issued certificate of authenticity n. 3781 dated 19 Mar. 2004.

Although aware of the inconvenience this will no doubt cause, we feel that it is necessary to re-examine the original work, in light of the deeper critical and historical understanding of the works of Alighiero Boetti which is now available.

Thanking you in advance for your prompt reply, please accept our best wishes.

Yours sincerely,

Matteo Boetti

Archivio Alighiero Boetti

# **EXHIBIT 10**

SPERONE WESTWATER  
415 West 13 Street New York 10014  
212/999-7337 (fax) 999-7338  
[www.speronewestwater.com](http://www.speronewestwater.com)

doc. 10

Matteo Boetti  
Archivio Alighiero Boetti  
Vicolo della Penitenza 17  
00165 Rome ITALY

18 April 2006

Dear Mr. Boetti:

Let me answer to your letter dated March 31<sup>st</sup>, 2006. The work entitled, "I sei sensi" (1980) for which you issued a certificate of authenticity dated March 19<sup>th</sup>, 2004 (n.3781) belongs to a collector who lives in both New York and Los Angeles. To remind you, the collector based his decision to acquire "I sei sensi" upon the inspection that your consultant made and his definitive opinion about the work's authenticity. A certificate was issued following this visit. If you would like to send your same "expert" at your expense to re-inspect the work and challenge your and his own opinion, this is your prerogative. But, in case the work will not be included in any future catalogue raisonne' on Alighiero Boetti as an authentic work, you should consider that the Archivio will need to reimburse the collector \$250,000 USD, which was the purchase price at the time. It is quite conceivable that the collector will legally pursue further damages beyond this amount.

Yours sincerely,

*Angela Westwater*  
Angela Westwater

# **EXHIBIT 11**

doc. 11

**SPERONE WESTWATER**  
 415 West 13 Street New York 10014  
 212/999-7337 (fax) 999-7338  
[www.speronewestwater.com](http://www.speronewestwater.com)

Agata Boetti, President  
 Archivio Alighiero Boetti  
 Vicolo della Penintenza 17  
 00165 Rome

26 April 2006

Dear Agata Boetti:

We have seen a copy of the letter that you sent on April 5th to the Art Institute of Chicago regarding their Boetti work, "Alighiero e Boetti". After a conversation with a Curator of Drawings there, Mark Pascale, we doubt that they plan to send the work to Italy, which would be an unusual practice for any major institution in this country. However, we tend to believe that they would give access to the Archivio if anyone wished to inspect the work in Chicago.

A few considerations: this work has already been seen by one member of your committee, Annemarie Boetti at the time of her visit to the States in 2002 on the occasion of the Boetti exhibition at the Arts Club of Chicago and our gallery show of "Biro" works. Her visit coincided as well with our negotiations of the sale of her large "Tutto" embroidery. Assuming that she has the credentials as a connoisseur of the work of Boetti and expressed no objections after seeing our show (to which she contributed her text for the catalogue), we felt at the time totally comfortable with the quality of our project. Once our exhibition catalogue was published, we promptly sent a copy to the Archivio, which surprised us by indicating some doubt about one work only from the "Aerei" series. We immediately sent someone to Rome with this work in hand for inspection.

Your letter to the Art Institute of Chicago reads: "(there is)... a committee of expertise as well as a editorial staff of the catalogue (raisonne')..."--- which obviously at the time of our publication did not yet exist. Otherwise, this so-called panel of experts would have reacted to our publication. We are in touch with our former partner in Milan (and the source of these various "biro" works), Renato Cardi, who many years ago sent to the Archivio all the provenance sheets (with copies of photographs of the various works signed by the artist) and the requested application forms. He never received any response from the Archivio, let alone any indication that he should not proceed with the exhibition/sale of these various works. These works have been in circulation in the market since the time of their making (in the early 1980s), without any interference by the artist or his collaborators in the making of the "biro" works.

In case this work or any other reproduced in our 2001 ALIGHIERO E BOETTI exhibition catalogue, "Simmetria Asimmetria" (with "Monochrome Boetti" text by Annemarie Sauzeau Boetti) will not be included in the forthcoming catalogue raisonne', there will be a legal challenge to the legitimacy of your operation.

Sincerely,

Gian Enzo Sperone    Angela Westwater    David Leiber

cc: Annemarie Sauzeau; Renato Cardi

## **EXHIBIT 12**

FELICE D'ALFONSO DEL SORDO  
AVVOCATO

doc. 12

Roma, 31 agosto 2006

Raccomandata a.r.

E' per  
Archivio Alighiero Boetti  
Vicolo della Penitenza, 17  
00165 - Roma

Raccomandata a.r.

E' per la signora  
Annetmarie Sauzeau  
c/o Archivio Alighiero Boetti  
Vicolo della Penitenza, 17  
00165 - Roma

Sperone Westwater

Su incarico della Galleria Sperone Westwater di New York rispondo alla Vostra lettera del 14 luglio 2006.

a) atteso che, come da Voi confermato, su richiesta della Sperone Westwater è stato rilasciato un parere circa l'opera "i sei sensi" con esito positivo di attribuitabilità, rileva che all'epoca il Vostro Archivio non rilasciava se non appunto previo richiesta pareri positivi sulle opere che gli venivano di volta in volta sottoposte; in difetto della suddetta richiesta, l'Archivio si limitava ad archiviare le opere senza fornire riscontro al proprietario, al quale veniva inoltata comunicazione solo in caso di non attribuitabilità delle opere ritenute false o apocrite;

b) è improprio affermare che "i sei sensi" facesse parte di un "lotto", come Voi dite, e ciò in quanto ogni opera è a sé stante; così come è generico il Vostro riferimento ad altre opere non indicate singolarmente.

c) il riferimento a due opere risultate non attribuibili non può (peraltro dopo anni) consentire l'incertezza di attribuzione, o addirittura il giudizio di negatività, di altre opere già ritenute attribuibili, ed archiviate; ciò sia in ottemperanza della prassi di cui al punto a) che precede e sia per strettissima deduzione logica, in quanto che da Voi viene definito un unico "lotto" le opere non attribuibili sono state da Voi individuate e dichiarate tali, con la conseguenza che le altre (quand'anche non individuate singolarmente) sono invece attribuibili;

d) in relazione alle opere già di proprietà del mio Cliente, oggetto della Vostra lettera, tutta la documentazione necessaria e sufficiente da Voi richiesta per l'archiviazione è stata puntualmente fornita; non consta e non risulta dai

FELICE D'ALFONSO DEL SORDO  
AVVOCATO

FOGLIO N. 2

Vostri moduli la richiesta della visione delle opere se non su supporto fotografico, che Vi è stato sottoposto unitamente alle autentiche rilasciate e firmate personalmente da Alighiero Boetti in calce o a margine di foto delle opere, le cui copie sono in Vostro possesso come allegati alla documentazione già inviata Vi;

e) alla luce di quanto sopra appare ingiustificata la Vostra richiesta di riesame di opere che Voi stessi si ripete, non individuate; tale richiesta, evidentemente esplorativa, comproverebbe solo l'inaffidabilità del giudizio dell'Archivio; radicato nel caso di specie nell'ultimo quadriennio; naturalmente ciò a sua volta determina una concreta responsabilità di risarcimento dei danni nell'ipotesi che il Vostro comportamento ingeneri discredito in danno della Sperone Westwater a motivo dei dubbi sull'autenticità delle opere in capo agli eventi causa dei miei Clienti acquirenti delle stesse; la responsabilità è affermabile anche sotto molteplici aspetti della tutela dell'affidamento;

f) parimenti è ingiustificabile ed ingiustificata la Vostra ritorsiva avvertenza al mio Cliente consistita nel probabile mancato inserimento delle suddette imprecise opere nel catalogo ragionato, e ciò in quanto non c'è motivo di escludere opere autentiche, che si ripete sono tali per provenienza ed autentica dell'autore, per Vostra prassi di attribuibilità, e per l'avvenuta archiviazione, deprivandole a posteriori senza un motivo fondatamente argomentato del carattere di autenticità indubbiabile;

g) le opere in questione, pur ribadendo l'impossibilità di individuarle per carenza di Vostra indicazione, sono state esposte in una mostra a New York nel 2002 presso la Galleria Sperone Westwater. Nell'occasione è stato pubblicato un catalogo la cui prefazione è stata curata, redatta, pubblicata, firmata e pertanto ritenuta divulgabile dalla signora Annemarie Sauzeau, allora come oggi membro direttivo dell'Archivio e quindi ben a conoscenza dei sopra descritti meccanismi e prassi di archiviazione e di rilascio di pareri di non autenticità. La signora Sauzeau (non più titolare del cognome Boetti con il quale indebitamente si firma, e ciò a far data dalla pronuncia del divorzio da Alighiero Boetti) con il suo comportamento ponderato ed accreditato dalla sua qualità ha confermato l'autenticità dei lavori stessi, o comunque radicato tale convincimento;

h) tale ultimo episodio, documentalmente comprovato, circa qualora il Vostro Archivio insistesse nelle pretese assurde di cui alla lettera del 14 luglio 2006- l'ulteriore responsabilità autonoma della signora Sauzeau per molteplici aspetti, fra i quali quelli relativi ad un ulteriore profilo della tutela dell'affidamento ingenerato dalla sua condotta. Pertanto il mio Cliente si riserva ogni azione al riguardo anche nei confronti diretti di quest'ultima, oltre che nei confronti dell'Archivio.

Per i motivi sovraesposti Vi invito:

i) a non porre in essere nessuna ulteriore attività, sia nei confronti del

FELICE D'ALFONSO DEL SORDO  
AVVOCATO

FOGLIO N. 3

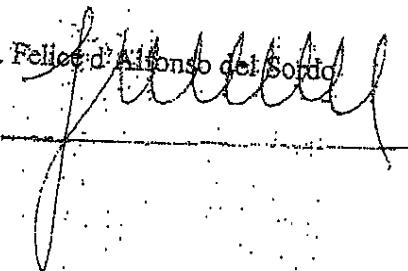
mio Cliente, sia nei confronti dei suoi aeventi causa acquirenti delle opere, che possano anche indirettamente far derivare dubbi sulla già accertata attribuibilità di opere alle quali Voi fate vago riferimento, ingenerando così discredito anche indiretto sulla professionalità della Sperone Westwater;

2) ad includere nel catalogo ragionato tutte le opere cui fate riferimento, commercializzate e/o di proprietà della Sperone Westwater e/o suoi aeventi causa futuri, delle quali non è stata dichiarata ad oggi la non attribuibilità; tale invito si rende necessario a fronte della motivazione infondata da Voi espressa nella lettera, alla quale qui si risponde, per escludere la pubblicazione.

Con riserva di ogni e qualsivoglia azione in difetto di adesione ai suddetti inviti.

I migliori saluti,

avv. Felice d'Alfonso del Sordo



# **EXHIBIT 13**

**Patterson Belknap Webb & Tyler LLP**

doc /3

1133 Avenue of the Americas New York, NY 10036-6710 212.336.2000 fax 212.336.2222 www.pbwt.com

April 24, 2007

Hugh J. Freund  
 Partner  
 (212) 336-2370  
 Direct Fax (212) 336-7982  
 h.j.freund@pbwt.com

**By FedEx & Email**

Andrea Barenghi, Esq.  
 Barenghi & Paton  
 Via Gian Giacomo Porro 8  
 00197 Rome, Italy

**Re: Boetti Archives/Sperone-Cardi**

Dear Mr. Barenghi:

Our law firm has been retained by Sperone Westwater Gallery as U.S. counsel in connection with certain matters related to the Boetti Archives and the authenticity of certain works exhibited by our client at its New York Gallery 1 January – 2 March 2002.

We have reviewed all of the correspondence delivered to us by our client regarding this matter which includes correspondence involving Galleria Cardi, Archivio Alighiero Boetti, Matteo Boetti, Agata Boetti, Annemarie Sauzeau Boetti, Felice d'Alfonso del Sorto, Esq., counsel to Sperone Westwater Gallery and its principals Gian Enzo Sperone in Rome and Angela Westwater and David Leiber in New York.

Our primary concerns on behalf of our client relate to the authenticity of works exhibited in its New York gallery space in 2002, our client's reliance on your clients' representations and warranties regarding these works, the Archive's certification procedures and administration of its responsibilities which were again relied on by our client to its detriment, the loss of profits – again due to your clients' actions or misdeeds and the damage to our client's reputation worldwide and attendant loss of income caused by your clients' actions.

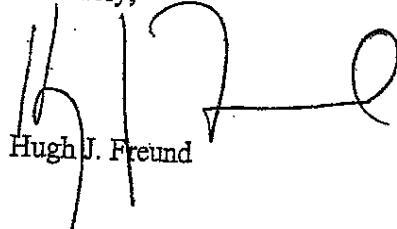
We have been authorized to investigate all of the above and to hold your clients responsible to the extent permitted by law. We expect that all matters related to the inquiries we are conducting as well as that of our co-counsel in Italy and your correspondence and the activities of your clients be kept completely confidential with no oral or written disclosures by your clients and you to be made to any other parties not directly involved with these investigations, including, but not limited to, any member of the press.

As soon as I have had a further opportunity to confer with our client, I will be in touch with you. If your clients have retained U.S. counsel, I would appreciate your advising me of his or her contact information.

Andrea Barenghi, Esq.  
April 24, 2007  
Page 2

I would appreciate your acknowledging receipt of this letter by email to my contacts above and transmitting this letter to all of your clients so that we may move forward with a constructive resolution of the issues set forth above.

Sincerely,



Hugh J. Freund

cc: Gian Enzo Sperone  
Angela Westwater  
David Leiber  
Felice d'Alfonso de Sorto, Esq. (email: dallf@libero.it)

# **EXHIBIT 14**

STUDIO LEGALE  
Pecr. Avv. FIRENZA/Cesco  
Avv. Roberto Cesco  
Avv. Emanuele Tomassini

doc 14

Spedite  
Archivio Alighiero Boetti  
Vicolo della Pentenza 17  
00165 Roma

Milano, 31 luglio 2006  
Anticipata via fax 06-6871596

Egregi signori  
Gian Enzo Sperone  
Angela Westwater  
David Leiber  
spm

Via fax 001212999-7338

Cardi/Archivio Boetti

Il signor Renato Cardi in proprio e quale legale rappresentante della Cardi Galleria srl, ha avuto cognizione della Vostra comunicazione 14.07.2006 diretta ai signori Sperone/Westwater e Leiber.

Le Vostre osservazioni e i riferimenti circa l'attività di Renato Cardi e della sua Galleria sono tali da rendere necessaria una attività di difesa da parte di Cardi e recisa contestazione delle vostre affermazioni.

Le opere che Renato Cardi e la Galleria hanno commercializzato, sono per la fonte di acquisto, per la storia dell'opera, per la contemplazione di Archivio Boetti sicuramente dell'autore.

Affermare, o anche supporre il contrario solo sulla scorta della premessa – inexpressa – che esclusivamente Archivio Alighiero Boetti è in grado di "autenticare" le opere, vale attribuirsi capacità di discernimento e attribuzione che si contestano recisamente.

L'autore – come ogni artista – stava nel mondo. Lasciò un segno. Lo conobbero in molti. Gli furono vicini per anni. Assumersi un diritto di qualifica solo per discendenza è metodo che viene formalmente contestato.

Non sfuggirà alla vostra sensibilità, che oltre a questioni morali e artistiche, sottesa a questa vostra pretesa di considerarvi unici arbitri della autenticità, vi sono questioni economiche di grande rilievo.

Tanto pretesso, a nome e per conto di Renato Cardi in proprio e della Galleria Cardi srl, VI

diffido formalmente da perseguire nella campagna di insinuazione circa l'autenticità delle opere di Alighiero Boetti commercializzate da Cardi; do notizia, che Renato Cardi intende avvalersi di tutti gli strumenti conoscitivi (pubblicazioni di cataloghi; partecipazione a mostre; dichiarazioni dei venditori; dei collaboratori e vicini al maestro; verifiche degli autografi) per contrastare la vostra pretesa di essere gli unici legittimi a "autenticare" le opere

STUDIO LEGALE  
Prof. Avv. Piermario Cesco  
Avv. Roberto Cesco  
Avv. Emanuele Tomassini

precisa  
Che dei danni che dalla Vostra campagna di diffamazione siano per derivarvi vi sarà fatta debita attribuzione.  
Con i migliori saluti.

Avv. Emanuele Tomassini

# **EXHIBIT B**

MILAN TRIBUNAL

Division specializing in industrial and intellectual property rights

WRIT OF SUMMONS

In the interest of the Archivio Alighiero Boetti, with registered office in Rome, represented by its legal representative for the time being, as well as of Mrs. Agata Boetti, resident abroad in Paris (France), of Mr. Matteo Boetti, resident in Rome, and also of Mrs. Anne Marie Sauzeau, resident in Rome, all of them represented and defended by avv. prof. Paolo Auteri of Milan Bar and avv. prof. Andrea Barenghi, of Rome Bar, and having chosen their domicile c/o the office of avv. prof. Paolo Auteri in Milan-20122, via Visconti di Modrone 21, pursuant to the powers of attorney written at the bottom of the original copy of this deed.

Versus

Mr. Renato Cardi, domiciled in Milan, Galleria Cardi S.r.l., represented by its legal representative for the time being, with registered office in Milan, as well as the Sperone-Westwater Gallery in New York (N.Y., U.S.A.), represented by its legal representative for the time being.

BACKGROUND IN POINT OF FACT

I) Preamble.

For a better understanding of the events that will be described in this deed, it is appropriate to point out certain circumstances concerning the parties participating in the trial or the events from which the dispute arose and the activities that the parties are carrying out.

(a) The plaintiffs Matteo Boetti and Agata Boetti are the children and joint heirs (together with the widow Caterina Raganelli and her younger

son Giordano Boetti) of the Maestro Alighiero Boetti (1940-1994), one of the most important artists of the Italian period that followed the Second World War, who became after his early death in 1994 a "symbol" of Italian contemporary art. Mrs. Anna Marie Sauzeau, first wife of the Maestro and his principal collaborator during their marriage, is one of the most authoritative critical sources of the study of the Artists' work and life.

(b) The Archivio Alighiero Boetti is a non-profit association originally established by the heirs of the deceased Artist (his widow Mrs. Caterina Raganelli, his children from the first marriage, Matteo and Agata and the mother of these Mrs. Anne Marie Sauzeau). Following the withdrawal exercised by the widow, the Archivio is currently made up of Matteo Boetti, Agata Boetti and Anne Marie Sauzeau, with the collaboration of scholars and critics as well as assistants of the Artist, who participate in the study for the verification of the work.

Among the principal purposes of the Archivio there is the preparation of a catalogue *raisonné* of the deceased Artist's works and the protection of his name and work. The preparation work aimed at the publication of the catalogue occurs through (i) historical research and in the archives; (ii) through the re-arrangement of the pre-existing material in the Archivio Boetti; (iii) through the monitoring of the publications on the deceased Artist; (iv) through the examination of the works sent by third parties to the Archivio for obtaining an opinion about the authenticity of the same and the inclusion in the Artist's Archivio and in the catalogue *raisonné*.

During the existence of the Archivio, several groups of executives followed one another, which have differently interpreted and implemented the function of the Archivio provided in its Articles of Association. In particular, between 1998 and 2001 in the period when it was managed by the very famous critic Germano Celant, the Archivio almost fully suspended the activity of verification and expression of opinions regarding the authenticity of the works of the deceased Artist submitted to it, for focusing its efforts exclusively on the re-arrangement of pre-existing materials for the purpose of preparing the catalogue *raisonné*. Only later the Archivio included again among its ordinary activities the verification and delivery of opinions regarding the possibility of attribution of all the works, a practice that is for the Archivio conducive to the preparation and performance of other functions provided for under its articles of association.

(c) The Galleria Cardi di Renato Cardi (piazza S. Erasmo 3 and corso Porta Nuova 38, [www.galleriacardi.com](http://www.galleriacardi.com)) is one of the most famous Italian Art Galleries. The Gallery has been functionally connected for many years with the US activities of Mr. Gian Enzo Sperone, through the Gallery established by Mr. Sperone in New York and referred to as Sperone-Westwater.

(d) Gian Enzo Sperone is a famous historic gallery owner in Turin, and has been for many years promoter, merchant and close personal friend of Alighiero Boetti. He is also owner of a qualified and well known collection of contemporary art, which comprises a number of splendid works of Boetti. In the course of time he opened in New York an art

gallery, currently called Sperone-Westwater, which is one of the most important reference points in the global art market.

**II) The exhibition of the Sperone-Westwater Gallery in 2002.**

Between January 10 and March 2, 2002 the Sperone-Westwater Art Gallery in New York (N.Y., United States of America, 415 West 13th st.) organized an anthological exhibition of works, which were ascribed to the artist Alighiero Boetti (information about the exhibition may be found also on the web site of the Gallery: [www.speronewestwater.com](http://www.speronewestwater.com); our Exhibit no. 1).

A Catalogue of the exhibition, printed in Rome by Tipografia Olivieri, was also published by the Sperone-Westwater Art Gallery in the month of December 2001 (Alighiero Boetti, Simmetria Asimmetria, Sperone Westwater, N.Y.-Rome, 2001: our Exhibit No. 2).

The exhibition also comprises certain works coming from the personal collection of Mr. Gian Enzo Sperone and certain works supplied by the Milan Gallery owned by Mr. Renato Cardi.

The works supplied by Mr. Cardi appear to be, in particular, the following (a description of which included in the above-mentioned Catalogue is shown herein below):

*Simmetria Asimmetria*, dated 1979, executed according to Boetti's technique of biro pen on paper and set on canvas, two panels having the overall size of 102 by 144 cm;

*AELLEIGIACCAIERREOEBOETITII* dated 1983, executed according to Boetti's technique of biro pen on paper and set on canvas, a panel of 71.5 by 101.5 cm;

*Quando le parole sono stanche*, dated 1982, executed according to Boetti's technique of biro pen on paper and set on canvas, five panels having the overall size of 101.5 by 357.5 cm;

*Unozero*, dated 1980, executed according to Boetti's technique of biro pen on paper and set on canvas, a panel of 71.5 by 101.5 cm;

*Salezucchero*, dated 1988, executed according to Boetti's technique of biro pen on paper and set on canvas, a panel of 71.5 by 101.5 cm;

*Famedivento*, dated 1980, executed according to Boetti's technique of biro pen on paper and set on canvas, a panel having the overall size of 71.5 by 101.5 cm;

*Dimenticare il tempo perduto*, dated 1982, executed according to Boetti's technique of biro pen on paper and set on canvas, four panels having the overall size of 101.5 by 286 cm;

*Aerei*, dated 1983, executed according to Boetti's technique of biro pen on paper and set on canvas, three panels having the overall size of 50 by 104 cm;

*Utile Dilettevole*, dated al 1983, executed according to Boetti's technique of biro pen on paper and set on canvas, two panels having the overall size of 101.5 by 143 cm;

*Alighiero e Boetti*, dated al 1982, executed according to Boetti's technique of biro pen on paper and set on canvas, two [recte: three] panels having the overall size of 160 by 467 cm.

According to information that it was possible to gather, the entire stock of works listed above is complete of the Artists' certificates (which the plaintiffs were unable to examine in the original counterpart), a

circumstance this that is very frequent in Boetti's works and, in particular, for the works pertaining to the type at issue.

The other four works listed in the Catalogue were coming, conversely, from the personal collection of Mr. Gian Enzo Sperone.

III) Withdrawal of the work *Aerei* from the Exhibition.

The accidental perception – after the inauguration of the exhibition – of the possible fakeness of the works called *Aerei*, dated 1983, executed according to Boetti's technique of ball point pen on paper and set on canvas, three panels having the overall size of 50 by 104 cm, mentioned in the above chapter, by a collaborator of the Archivio, Mr. Andrea Marescalchi of Florence, former assistant of the Maestro and adviser to the expert Appraisal Committee at the Archivio Boetti, determined an informal contact by the Archivio Boetti with the Sperone-Westwater Art Gallery for notifying the circumstance.

The Sperone Westwater Art Gallery promptly shipped the work to Italy to the Archivio for examining the same, and on completion of the examination the Appraisal Committee of the Archivio Alighiero Boetti judged the work "not ascribable" to the Artist.

Following such appraisal, the work was withdrawn from the Exhibition by Sperone-Westwater Gallery and the Cardi Gallery, which had entrusted the work for sale to the former Gallery (as mentioned above, *sub II)*

Later, while the exhibition was still taking place, on February 16, 2002 and on February 28, 2002, the Archivio received from Mr. Renato Cardi of Milan, descriptions of other three biro works called *Aerei*, of a

similar type as the one withdrawn from the exhibition following the circumsances described above, descriptions which, however, were not submitted to the examination of the Appraisal Committee (Committee which, as already described above, at the time at issue met very sporadically and only upon explicit request in cases of documented need).

IV) Subsequent request from Sperone-Westwater Art Gallery to inspect the work '*I sei sensi*' directly in New York at the home address of the purchaser.

After the closing of the exhibition, the Archivio Boetti received a request from the Sperone-Westwater Art Gallery and the Cardi Gallery to inspect and examine for the purpose of its attribution and inclusion in the catalogue, the work '*I sei sensi*', dated 1980, executed according to the usual technique described above, and consisting in 9 blue color panels, for an overall size of 110 by 630 cm.

Such request was received at first dated December 19, 2003 and then dated February 12, 2004 from Mr. Renato Cardi also in the interest of Sperone Westwater Gallery, stating the existence of a preceding request that was allegedly sent by a certain "Victoria Moreno, Madrid" without any other specification, a request of which a copy was enclosed (without any documentation of the shipment) leading also to believe that the Archivio might have lost it or without follow up; a circumstance that, if it is repeated by the defendants, is denied as of now.

It must be observed that the work of which the attribution was being requested (and then obtained) was not of the same blue color and published

with the same ('*i sei sensi*') in the Catalogue of the Exhibition, which had actually belonged to the private collection of Mr. Gian Enzo Sperone.

At that time, in any event, the Archivio, derogating from its constant practice according to which the review of the works submitted to the verification had to take place at the address of and, however, by the Appraisal Committee established within the Archivio, agreed to send a member of the above-mentioned Committee (Mr. Andrea Marescalchi) to N.Y. for examining the work, and, upon completion of the examination, it actually provided to issue an "authenticity" certificate ascribing the work to the Artist (no. 3781 of March 19, 2004).

V) The events that preceded and followed the US Exhibition regarding some of the works exhibited: the following schedule describing the examination of the works 'Unozero', 'Salezucchero' and the preceding examination schedule 'AELLEIGIACCAIERREOEBOETTIT. Results.

Two of the works that were mentioned above [sub II]), after the Exhibition were put again in circulation and on those occasions submitted again to the Archivio for it to examine them and then express its opinion on their authenticity. These are the following works:

*Unozero*, dated al 1980, executed according to Boetti's technique of biro pen on paper and set on canvas, a panel measuring 71.5 by 101.5 cm, obviously remained unsold at the 2002 Exhibition (letter of confirmation of the "non ascribability" of May 29, 2004:our Exhibit no. 3)

*Salezucchero*, dated 1988, executed according to Boetti's technique of biro pen on paper and set on canvas, a panel measuring 71.5 by 101.5 cm. Sold in the U.S.A. and then released again on the market through an

international auction house, which submitted to the Archivio (certificate of "non ascribability of March 6, 2006: our Exhibit no. 4 and see also Exhibits nos. 5 to 7).

Another of the works marketed by Mr. Cardi in the United States through the Sperone-Westwater Art Gallery in 2002, and namely

*AELLEIGIACCAIERREOEBOETITII,*

had already been the object of a preliminary examination by the Archivio in 2001 on the basis of photographic images, following a description coming from Christie's of London dated April 2, 2001: the outcome had been substantially negative, consisting in a suspension of the judgment while awaiting the possibility to examine the original work (which, however, was not sent then to the Archivio) (our Exhibit no. 8)..

Upon completion of the inspection and examination of these three works (as mentioned above, before and after the New York Exhibition), the result was the following:

*Unozero* appeared to be not attributable (session of May 29, 2004 our Exhibit no. 3);

*Salezucchero* appeared to be not attributable (session of March 6, 2006 our Exhibit no. 4);

*AELLEIGIACCAIERREOEBOETITII*, the judgment remained pending due to the lack of sufficient elements for expressing an opinion (session of April 18, 2001 our Exhibit no. 8).

VI) The destiny of the other works coming from Cardi present in the Catalogue of the Sperone-Westwater, Exhibition other than Unozero, Salezucchero and Aerei: Simmetria Asimmetria. Quando le parole sono

stanche, Famedivento, Dimenticare il tempo perduto, Utile Dilettevole,  
Alighiero e Boetti, Simmetria Asimmetria.

*Quando le parole sono stanche*, private collection, not identified in  
New York (N.Y., United States of America)

*Famedivento*, private collection not identified in Portland (Portland,  
Oregon, United States of America)

*Dimenticare il tempo perduto*, collection of Mr. Zilkha from  
Houston (Houston, Texas, United States of America)

*Utile Dilettevole*, collection of Mr. Zilkha from Houston (Houston,  
Texas, United States of America)

*Alighiero e Boetti*, collection of The Art Institute of Chicago  
(Chicago, Illinois, United States of America).

It must be stressed that such works have never been submitted to the inspection, examination and verification of the Archivio, neither prior to the organization of the Exhibition in 2002, nor after the same, and on one hand they were put on sale by Mr. Renato Cardi and by the Sperone-Westwater Art Gallery without having first obtained the opinion of the Archivio Boetti (something that, after the death of the Artist, all the institutions on the art market regularly do before utilizing their own institutional channels for marketing the works), and on the other hand they avoid, as we shall soon explain below, the necessary verification for being able to attribute them to the Artist, for the purpose of including them in the catalogue *raisonné* of the works of Alighiero Boetti being published.

VII) The request of Archivio Boetti to examine the works not viewed of the lot sent by Mr. Cardi to the Sperone-Westwater Art Gallery

and to examine again the work '*I sei sensi*' already inspected, as a result of the overall re-consideration of the circumstances and processing of new critical apparatuses.

As we have seen above [sub V]), two of the works marketed by Mr. Cardi through the Sperone-Westwater Art Gallery have been considered not ascribable by the Appraisal Committee of the Archivio Boetti on March 6, 206 and May 29, 2004. These are '*Unozero*' and '*Salezucchero*'.

As we have also seen above [sub V]), another of the works sent by the Cardi Gallery to the New York Gallery for the exhibition at issue, always belonging to the type of the biro works, and called '*AELLEIGIACCAIERREOEBOETITII*' had been the object of a control by the auction house Christie's and, however, the judgment had been suspended by the Appraisal Committee due to the insufficiency of the elements that should have determined the disputed artistic paternity of the same.

Considering that the work *Aerei* which, following a notice coming from the Archivio, had been withdrawn from the Exhibition (and maybe replaced with another work of the same type), in whole there are four works that have already appeared to be not attributable to the stock of works put on sale by the Sperone-Westwater Art Gallery and owned by the Cardi Gallery (and/or Mr. Renato Cardi), a stock that is made up in whole of at least ten pieces.

As things now stand, it appears to be more than understandable that the managing group of the Archivio intends to review all the material marketed by the Cardi Gallery on the occasion of and through the event

organized by the Sperone-Westwater Art Gallery, including the work called ‘*I sei sensi*’ already provided (however, before all the circumstances being discussed in this deed appeared, and when the state of the historical-critical knowledge was far from having reached its current maturity stage) with a certificate of authenticity in the circumstances that have been identified herein above [sub IV]).

For the above reasons, on 31 March 2006 (our Exhibit no. 9) Mr. Matteo Boetti addressed to the Sperone-Westwater Art Gallery a first letter, in which he expressed the need, in the framework of the research aimed at the preparation of the catalogue raisonné of A. Boetti, to proceed with a re-examination of the work “*i sei sensi*” different from the one published in the catalogue of the exhibition and of which the Archivio, on demand of the Gallery had certified the authenticity (through certificate No. 3781 of March 19, 2004). The request of Matteo Boetti contained the following reasons “*in light of the deeper critical and historical understanding of the works of Alighiero Boetti which is now available*”. The Sperone-Westwater Art Gallery answered by letter dated April 18, 2006 (Exhibit no. 10, agreeing to have the work re-examined, provided, however, that it was done at the expenses of the Archivio, but it warned that “*in case the work will not be included in any future catalogue raisonné on Alighiero Boetti as an authentic work, you should consider that the Archivio will need to reimburse the collectors 250,000 USD, which was the purchase price at the time*”).

The Sperone-Westwater Art Gallery took the same attitude before the request of the Archivio to examine for the first time a work sold by the

Gallery to the Art Institute of Chicago, which the Archivio had not been able to examine before (letter by the Gallery of April 26, 2006: Exhibit no. 11). The thesis of the Gallery had been this time that the Archivio having doubted of the authenticity only of the work "Aerei" (according to the defendants' thesis) notwithstanding the fact that the catalogue had been promptly sent and notwithstanding the fact that Mrs. Anne Marie Sauzeau (again according to the defendants' thesis) had seen the work "*on the occasion of the Boetti exhibition at the Arts Club of Chicago and our gallery show of "Biro" works*". And concluded saying that "*In case this work or any other reproduced in our 2001 ALIGHIERO BOETTI exhibition catalogue, "Simmetria Asimmetria" (with "Monochrome Boetti" text by Annemarie Sauzeau Boetti) will not be included in the forthcoming catalogue raisonné, there will be a legal challenge to the legitimacy of your operation*".

Finally, through several letters sent on its behalf by d'Alfonso Del Sordo, esq. and Hugh Freund, esq. of New York (in particular, the letters of August 31, 2006 and April 24, 2007: our Exhibits nos. 12 and 13), the Sperone-Westwater Gallery not only insisted in its claim that the authenticity of all the works forming the object of the 2002 Exhibition be recognized in the Catalogue raisonné being prepared, but explicitly reserved to bring legal actions aimed at obtaining a compensation of the damages, obviously with the purpose of receiving the agreement of the Archivio on the fanciful theses described above.

A stand that was in part similar was taken also by Mr. Cardi and the Cardi Gallery through their legal counsel also challenging "*your claim that you are the only ones entitled to "authenticate" the works* (exhibit no 14).

**VIII) Conclusion of the description of the circumstances in point of fact.**

In synthesis, the following circumstances appear:

- 10 works that are allegedly coming from Alighiero Boetti (with certifications the genuineness of which appears doubtful) and certified by the same as being his own, are sent by Mr. Renato Cardi to New York and an exhibition is organized with the same and some works coming from the qualified private collection of Mr. Gian Enzo Sperone;

- a catalogue is published of the above-mentioned exhibition, edited in New York by Sperone-Westwater and printed on its behalf in Rome by Tipografia Olivieri, in which all the works mentioned in the narrative are attributed to Alighiero Boetti;

- the catalogue is complete of a critical piece, translated for the occasion at the care of the publisher, by Anne Marie Sauzeau, first wife of the Artist, without obtaining from her a valid authorization and without first submitting to her the real terms of the exhibition and the specific content of the works exhibited;

- one of the works – '*AELLEIGIACCAIERREOEBIOETITII*' – had already formed the object of re-examination in the past on request of the auction house Christie's – and had appeared to be doubtful, so that the authenticity opinion was suspended;

- another one of the works displayed - '*Aerei*' - appeared to be doubtful just looking at it on the Catalogue and on completion of the concrete examination of the same, it was withdrawn from the exhibition (and maybe replaced with a similar one, not checked by the Archivio, and without informing the same);

- other two of the works exhibited - '*Unozero*' and '*Salezucchero*' - were subsequently submitted to the judgment of the Archivio by third parties (on March 6, 2006 as regards '*Unozero*' and on May 29, 2004 as regards '*Salezucchero*') and appeared to be not attributable, according to the judgment Archivio;

- the only work (*'i sei sensi'*) positively considered by the Archivio, was examined on request of the Sperone Westwater Gallery in N.Y. by an expert of the Archivio according to procedures that were in line with the rigorous practice of the Archivio;

- before the recent requests of the Archivio Boetti to be enabled to examine the works NEVER EXAMINED or to re-examine the work *'i sei sensi'* already examined, the reaction of the Sperone-Westwater Art Gallery was of complete absence of collaboration and immediately aimed at attributing to the Archivio Boetti responsibilities of a legal nature based on theses fully void of any logical and legal content, and, however, resulting in the concrete threat, also through an exchange of technical correspondence of legal advisers, of the possibility of legal actions by the third parties purchasers, and by the same Sperone-Westwater Art Gallery;

- equally both the Cardi Gallery and Mr. Renato Cardi have warned the Archivio Boetti and threatened to start legal actions against the same

giving as reason the alleged unproved injury of the personality rights of the Gallery and Mr. Cardi.

#### **IN POINT OF LAW**

1. As already mentioned, between January 10 and March 2, 2002 the Sperone-Westwater Art Gallery in New York organized an anthological exhibition of the works of Alighiero Boetti and published the relevant catalogue, in which it reproduced those of the works object of the exhibition that it judged the most significant. The largest part (10) of the works exhibited were coming from the Cardi Gallery, which had entrusted them for sale to the Sperone-Westwater Art Gallery, the other part (4) belonged to Mr. Sperone and to the Sperone-Westwater Art Gallery. Three of such works coming from the Cardi Galley, and namely those called "*Aerei*", "*Unozero*" and "*Sale zucchero*" appeared to be "*not attributable*" to the Artist, a fourth one, called "*AELLEIGIACCAIERREOEBIOETITI*", had been previously judged of doubtful authenticity (see *supra* § V), whilst it had not been possible to verify the authenticity of other works coming from the Cardi Gallery and sold to third parties by the Sperone-Westwater Art Gallery in the framework of the New York exhibition.

In this situation there is no doubt that Agata and Matteo Boetti are interested in ensuring not only that it is assessed that the four works mentioned above and exhibited in the New York exhibition as works belonging to Boetti are not attributable to the Artist, but also that the attribution of such works to Alighiero Boetti in the framework of the above-mentioned exhibition, in the Catalogue and possibly in the framework of any subsequent commercial activity occurred in violation of

moral and property rights pertaining to them as children and heirs of Alighiero Boetti and that such tort is ascribable in concurrence between them both to the Cardi Gallery and to the Sperone-Westwater Art Gallery.

The wrongfulness of such activity has certainly not disappeared with the conclusion of the exhibition and not even with the withdrawal of the work "*Aerei*" from the same exhibition, both because, as it appears from the web site of the Sperone-Westwater Art Gallery, the catalogue of the exhibition ("*Simmetria Asimmetria*") is still on sale also on line (Exhibit no. .), and because the works "*Aerei*", "*Unozero*" and "*Salezucchero*" have remained in possession of the Galleria Cardi, which could put them on sale in the framework of its commercial activity (as already done for the last two works, however, we do not know with what result). Therefore, Agata and Matteo Boetti are interested in obtaining also a court decision that prohibits the defendants from continuing their wrongful activity.

The interest in the assessment of the falseness of said works is also of Archivio Boetti (was it just in support of the claim advanced by Agata and Matteo Boetti), which has for its purpose also the protection of the name and work of Alighiero Boetti.

The tort perpetrated by the defendants has caused to Agata and Matteo Boetti considerable moral and property damages, which the defendants are bound to compensate jointly and severally, having acted at least with (willful) misconduct. The defendants have exhibited and put on sale as works of Alighiero Boetti works that were not so, without ascertaining their genuineness with due professional diligence. Both Mr. Cardi and Mr. Sperone know well the work of Alighiero Boetti, with whom

they have entertained personal and professional relationships, and have acquired a certain experience in handling the works of Alighiero Boetti, having organized several works of this artist, and this should have led them to submit to careful examination the works that then proved to be faked, in particular having recourse to the judgment of experts and in particular of the experts of the Archivio. It is very meaningful that only during the New York Exhibition and after its closing Mr. Cardi submitted to the examination of the Archivio ball-point works attributed to Boetti, some of which had already been exhibited in the framework of the exhibition, in this way acknowledging the need for a verification of their authenticity and the competence and authoritativeness of the Archivio.

On the other hand, once they had become aware of the non authenticity of some of the works exhibited to the public in the framework of New York Exhibition and reproduced in the relevant catalogue, the Sperone-Westwater Gallery should have immediately withdrawn the catalogue from sale and, having not done so, they acted being fully aware that they were violating the rights of the plaintiffs.

2. As we have seen, the Sperone-Westwater Art Gallery has reproduced in the Catalogue "*Simmetria Asimmetria*" a critical paper (with the title "*Boetti monocromo*") written by Anne Marie Sauzeau, first wife of Alighiero Boetti and one of the most authoritative experts on the Artist's work. Mrs. Sauzeau had been informed by telephone by David Lieber, manager of the Sperone-Westwater Art Gallery in New York and by Mr. Sperone himself of the intention to publish her paper and she had given her preliminary consent, without knowing, however, which biro works would be

displayed in the framework of the exhibition and reproduced in the catalogue, in addition to those announced and forming part of the prestigious private collection of Mr. Sperone. Hence her disappointment when she realized that her paper, and essay of the typology of biro works, even though it did not refer to the works reproduced in the catalogue, had ended up by confirming the authenticity of such works and also of those not attributable to Boetti.

The reproduction of Mrs. Sauzeau's paper in the catalogue represents a violation of the author's moral and property rights pertaining to her on her paper: of the rights of economic utilization, since, having not been informed on the conditions and limits of utilization of her paper, her consent to the publication of this was not complete; and, however, of the moral right, since the reproduction of a catalogue containing fake works represents "*an act to the detriment of her work*", which is prejudicial to her expert's reputation pursuant to Articles 20 l. aut. and 6-bis of Berne International Convention for the protection of literary and artistic works. In fact, the meaning of her endorsement regarding the authenticity of the works reproduced in the catalogue, which the publication of her paper in the catalogue takes up, is prejudicial to her reputation of expert on the work of Boetti engaged in the fight against fakes. Also in this event, the violation of Mrs. Sauzeau's rights by the Sperone-Westwater Art Gallery occurred at first with gross negligence, and then with willful misconduct, when it became aware of the non authenticity of certain of the works reproduced in the catalogue and, however, did not withdraw the catalogue from the market. The catalogue is still being presented today and offered for sale on

the web site of the Gallery ([www.speronewestwater.com](http://www.speronewestwater.com)) with the indication “*text by Anne Marie Sauzeau*”).

3. As explained above, three of the (10) works entrusted by the Cardi Gallery to the Sperone-Westwater Gallery for sale and displayed in the framework of the exhibition held in New York from January 10 to March 2, 2002, have appeared to be not attributable to Alighiero Boetti and a fourth work appeared to be of doubtful authenticity. This circumstance gives rise to a strong suspicion that also other works belonging to the stock coming from the Cardi Gallery cannot be attributed with certainty to the Artist. One could reasonably expect that, if not the Cardi Gallery at least the Sperone-Westwater Gallery, which had exposed itself with the organization of an exhibition and the publication of the relevant catalogue, would have verified with particular attention the authenticity of the other works forming the object of the exhibition and would have requested or at least permitted the Archivio to examine them for expressing an opinion, temporarily deferring the sale of such works. On the other hand, as we have seen, Cardi and Sperone-Westwater had promptly withdrawn from the exhibition and the market the work “*Aerei*”, as soon as the Archivio had notified them of the fact that it did not consider it authentic. While the exhibition was still under way, Mr. Cardi had caused the Archivio to receive descriptive tables concerning three works bearing the same title “*Aerei*”, without, however, explicitly asking for an opinion on their authenticity. And subsequently both the Sperore-Westewater Art Gallery and Mr. Cardi asked the Archivio to examine and express an opinion on the work “*I sei sensi*”. In this way both Cardi and Sperone-Westwater proved that they were not sure about the

authenticity of all the works in their possession and that they considered the Archivio as the most qualified entity to express an authenticity judgment.

The stand subsequently taken both by Cardi and by Sperone-Westwater, which have not only hindered the verification by the Archivio of the authenticity of the other works and of the Catalogue, but have also demanded that the Archivio would acknowledge the authenticity of all the works displayed in the Exhibition and undertake to include them in the catalogue *raisonné* of the works of Alighiero Boetti, threatening otherwise to act against all the plaintiffs for claiming compensation of significant damages, appears then to be fully unjustified.

Before the stand taken by the Sperone Westwater Gallery, the Cardi Gallery and by Mr. Cardi, it is in the best interests of the plaintiffs - the Archivio Boetti, Agata and Matteo Boetti and Mrs. Anne Marie Sauzeau- to obtain the assessment of the inexistence of any responsibilities on their part for the circumstances with which they are charged and their right to freely express their judgment on the authenticity of the works of Alighiero Boetti. Not only that: it is also in the best interests of the plaintiffs to obtain the assessment of the authenticity or fakeness of all the works pertaining to the stock coming from the Cardi Gallery displayed and put on sale in the framework of the New York exhibition, since the assessed fakeness of three of such works and the doubtful authenticity of a fourth work lead one to seriously doubt of the authenticity of the remaining six works.

The allegation by the Sperone-Westwater Gallery, according to which the plaintiffs have allegedly created in the Gallery the reliance on the

authenticity of the works displayed to the public during the 2002 exhibition and reproduced in the Catalogue, is fully groundless. The circumstance that the Archivio has immediately notified the falseness of the work "*Aerei*" could not take up for the Gallery the meaning of confirmation of the authenticity of the other works reproduced in the catalogue, both because the falseness of the work "*Aerei*" was evident and because the evaluation of the authenticity of Boetti's works, as of contemporary art in general, requires a review of any aspect of the works with technical and scientific, as well as historical and critical instruments, which must be adequately processed on the basis of a deep study of the overall work of the artist. Such an examination could not be performed on the basis of simple photographic reproductions such as those present in the catalogue at issue. Not even an expert person, such as Mrs. Sauzeau, could have built an opinion on the authenticity of the works on the occasion of a short visit to an exhibition. Mr. Cardi, his gallery and the Sperone-Westwater Gallery should have rather verified the authenticity of the works with professional diligence still before organizing the exhibition and, however, once the existence had been ascertained of an evident fake among the works displayed, they should have submitted the other works to an in-depth examination temporarily delaying their sales. Therefore, they should ascribe to themselves the consequences of the sales of the works, which proved or would prove to be not attributable to Alighiero Boetti.

In no event the Sperone-Westwater Art Gallery could pretend that the Archivio recognized in block the authenticity of the works displayed in the framework of the New York Exhibition and reproduced in the relevant

catalogue, also including them in the catalogue *raisonné* that is being prepared in conflict with the competent judgment of its experts, whose activity protects the many collections in which authentic works of the Artist are present. The right to express its judgment on the authenticity of the works is included in the freedom of expression guaranteed by Article 21 of the Italian Constitution, whilst the author's moral right is not transferable and cannot be waived.

\* \* \*

In consideration of the above reasons, the Archivio Alighiero Boetti in Rome, represented by its legal representative for the time being, Mrs. Agata Boetti, Mr. Matteo Boetti, Mrs. Agata Boetti and Mrs. Anne Marie Sauzeau, all of them represented, defended and having elected their domicile as mentioned at the beginning of this deed

#### SUMMON

Mr. Renato Cardi, domiciled in Milan, Piazza S. Erasmo 3,  
Galleria d'Arte Cardi S.r.l., represented by its legal representative for  
the time being, with registered office in Milan, p.zza S. Erasmo 3,

Sperone-Westwater Inc. represented by its legal representative for  
the time being, with registered office in New York ( N. Y. USA), 414 W  
13th Street, 2nd floor.

and the Sperone-Westwater Art Gallery LLC, represented by  
its legal representative for the time being, with registered office in New  
York (N.Y., U.S.A.), 414 W 13th Street, 2nd floor

to appear before Milan Tribunal, division specializing in industrial  
and intellectual property rights, Examining Judge who will be designated, at

the hearing of October 28, 2008, or the other hearing, if any, which will be set down pursuant to Article 168 *bis* of the Italian Code of Civil Procedure, filing their brief of appearance and answer and the folder with the exhibits, which they offer in communication complete of a list and contents, with the Court's Clerk Office of the designated Judge twenty days prior to the hearing indicated above, with the warning that should they fail to appear, they shall lose the rights provided for under the applicable provisions of law and provided in Article 167 of the Italian Code of Civil Procedure, and that, should they fail to appear, it will be proceeded by declaring their legitimate absence and in order to hear the Court upholding the following

#### CONCLUSIONS

It pleases this Honorable Tribunal, disregarding and repealing any claims, objections and deductions to the contrary, to decide as follows:

- 1 to assess that four of the works displayed in the framework of the exhibition of the works of Alighiero Boetti organized by the Sperone-Westwater Gallery in New York from January 10 to March 2, 2002 and reproduced in the relevant Catalogue “*Simmetria Asimmetria*” cannot be ascribed to such Artist and in particular those referred to as “*Aerei*”, ‘*Unozero*’, ‘*Salezucchero*’ and ‘*AELLEIGIACCAIERREOEBOETITII*’ as better indicated in the narrative of this deed;
- 2 to assess whether the remaining works coming from the Cardi Gallery, displayed to the public and sold by the Sperone Westwater Gallery in the framework of such exhibition may be ascribed to Alighiero Boetti;

- 3 to prohibit the Sperone-Westwater Art Gallery represented by its legal representative for the time being, from further distributing and disclosing to the public the catalogue of the above-mentioned exhibition "*Simmetria Asimmetria*" and prohibit Galleria d'Arte Cardi s.r.l. and Mr. Renato Cardi to exhibit, sell and display to the public those works, which do not appear to be or will not appear to be attributable to Alighiero Boetti, introducing them as works of Alighiero Boetti;
- 4 to sentence Galleria d'Arte Cardi s.r.l., Mr. Renato Cardi and the Sperone-Westwater Gallery, jointly and severally with one another to indemnify Messrs. Agata and Matteo Boetti for the damages deriving from the exhibition, sale, reproduction and communication to the public of non-authentic works as works of Alighiero Boetti in the amount that will be determined in a separate judgment;
- 5 to assess that publishing in the catalogue "*Simmetria Asimmetria*" the article "*Boetti monocromo*" written by Mrs. Anne Marie Sauzeau, the Sperone-Westwater Gallery, has violated the property and moral rights of Mrs. Sauzeau, and prohibit any further distribution and communication to the public of the Catalogue;
- 6 to sentence the Sperone-Westwater Gallery to compensate Mrs. a Sauzeau for property and moral damages deriving from the publication of the article mentioned in the above paragraph

4. in the amount that will be determined in a separate judgment;
- 7 to declare that none of the plaintiffs is responsible for the torts with which they are charged by the Sperone-Westwater Gallery, the Galleria d'Arte Cardi s.r.l. and by Mr. Renato Cardi on the terms and according to the modalities set down in the narrative of this deed
- 8 to sentence the defendants to pay judicial costs and expenses and attorney's fees of this proceeding.

Reserving to submit in-depth explanations, amendments, productions and requests, including with regard to discovery, within the terms provided for under the law, which we are requesting the Court to assign pursuant to Article 183 of the Italian Code of Civil Procedure, the following documents are being filed herewith:

1 – pages extracted from the web site [www.speronewestwater.com](http://www.speronewestwater.com) in relation to the Artist Alighiero Boetti and the exhibition described in the foregoing narrative;

2 – copy of the catalogue '*Simmetria Asimmetria*' printed in Rome for Sperone Westwater in December 2001 by Tipografia Olivieri;

3 – letter by the Archivio dated June 8, 2004 addressed to Mr. Giorgio Bassi relating to the opinion expressed on May 29, 2004 about the work *Unozero*;

4 – certificate relating to the work *Salezucchero* issued in the session of March 6, 2006;

5 – letter by Archivio Boetti dated March 8, 2006 relating to the examination dated March 6, 2006 of the work *Salezucchero*;

6 – request by Christie's relating to the review of the work *Salezucchero*;

7 – page of Christie's web site relating to the work *Salezucchero*;

8 – letter by Archivio Boetti dated April 23, 2001 to Christie's in Rome relating to the work *AELLEIGIACCAIERREOEBIOETITII* dated April 8, 2001;

9 – letter by Archivio Boetti (Matteo Boetti) to the Sperone Westwater Gallery dated March 31, 2006

10 - letter by the Sperone Westwater Gallery to the Archivio Alighiero Boetti (Matteo Boetti) dated April 18, 2006

11 - letter by the Sperone Westwater Gallery to the Archivio Alighiero Boetti (Agata Boetti) dated April 24, 2006:

12 – letter by Hugh J. Freund, esq. to avv. Barenghi dated April 24, 2007, with express request to forward copy of the letter to his clients;

13 – letter from Hugh J. Freund, esq. to avv. Barenghi dated April 24, 2007, with express request to forward copy of the letter to his clients.

14 – letter to the Archivio Alighiero Boetti by Felice d'Alfonso del Sordo, esq. Dated August 31, 2006 on behalf of Sperone Westwater Gallery of N.Y.

15 – letter to the Archivio Alighiero Boetti by avv. Ermanno Tommasini on Behalf of Mr. Renato Cardi on his own and as representative of the Galleria Cardi s.r.l. dated July 31, 2006.

For the purpose of the payment of the consolidated contribution, it is declared that the value of this dispute is indeterminable.

Rome-Milan, January 8, 2008

Avv. Prof. Paolo Auteri

Avv. Prof. Andrea Barenghi

I, the undersigned, Anne Marie Sauzeau do hereby appoint avv. Prof. Andrea Barenghi and avv. Prof. Paolo Auteri, jointly and severally, to represent and defend me in this proceeding – at any stage and degree hereof – and to such purpose I do hereby grant them any and all powers under the law and elect domicile c/o the office of prof. Avv. Paolo Auteri in Milan - 20122, via Visconti di Modrone 21.

Anne Marie Sauzeau

The above signature is genuine  
(illegible signatures follow)

I, the undersigned, Matteo Boetti do hereby appoint avv. Prof. Andrea Barenghi and avv. Prof. Paolo Auteri, jointly and severally, to represent and defend me in this proceeding – at any stage and degree hereof – and to such purpose I do hereby grant them any and all powers under the law and elect domicile c/o the office of prof. Avv. Paolo Auteri in Milan - 20122, via Visconti di Modrone 21.

Matteo Boetti

The above signature is genuine  
(illegible signatures follow)

I, the undersigned, Agata Boetti do hereby appoint avv. Prof. Andrea Barenghi and avv. Prof. Paolo Auteri, jointly and severally, to represent and defend me in this proceeding – at any stage and degree hereof – and to such purpose I do hereby grant them any and all powers under the law and elect domicile c/o the office of prof. Avv. Paolo Auteri in Milan - 20122, via Visconti di Modrone 21.

Agata Boetti

The above signature is genuine  
(illegible signatures follow)

I, the undersigned, Agata Boetti, in my capacity as President and legal representative of the Archivio Alighiero Boetti, with registered office in Rome, Vico della Penitenza 17, Anne Marie Sauzeau do hereby appoint avv. Prof. Andrea Barenghi and avv. Prof. Paolo Auteri, jointly and severally, to represent and defend me in this proceeding – at any stage and degree hereof – and to such purpose I do hereby grant them any and all powers under the law and elect domicile c/o the office of prof. Avv. Paolo Auteri in Milan - 20122, via Visconti di Modrone 21.

Agata Boetti in the above-mentioned capacity

The above signature is genuine  
(illegible signatures follow)